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BANGALORE, THURSDAY, MAY 2, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. A. F. 5819—*C. S.* 19-39-23, *dated Bangalore, the 25th April* 1940.

In exercise of the powers conferred on them under Section 44(2) (f) of the Mysore Co-operative Societies Act VII of 1918 as amended from time to time the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft amendment to clause 2 of Rule 31 of the Rules relating to the election to the Board of Management of Co-operative Societies.

Any objection or suggestion to the proposed amendment may be sent in writing to the General Secretary to Government within one month from the date of publication of the notification in the official Gazette after which the draft will be taken up for consideration.

Any objection or suggestion received after the due date will not be considered.

Substitute the following for the exception under clause 2 of Rule 31.

"This provision shall not apply to such of the rural societies as may be exempted by the Registrar and also to such of the urban societies which are considered by him to be in need of such exemption on account of the backwardness of a majority of its members."

By Order,

J. APPAJI GOWDA,

Secretary to Government,
General Department.

No. G. 9104—P. H. 136-39-2, dated Bangalore, the 27th April 1940.

Under Section 20-E of the Mysore Prevention of Adulteration Act, IX of 1921, as amended by Act, IV of 1929, Act IV of 1930 and Act XII of 1935, the Government of His Highness the Maharaja of Mysore propose to make the following amendments and additions to rule 6 issued with Notification No. G. 2463—Sany. 61-30-7, dated 22nd September 1931, annexed hereto, fixing the standards of purity prescribed for milk, cream, butter and ghee and also to the rules issued with Notification No. G. 7985—P. H. 157-36-6, dated 30th March 1938 fixing the standards of coffee and a fresh rule regarding tea. Any objections to the proposed amendments made in writing to the undersigned within a month from the date of this notification, will be duly considered.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

Amended Rules.

6. The standards of purity prescribed for milk, cream, curds, butter and ghee, and tea and coffee are as follows:—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold or offered for sale as skimmed or separated milk) contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) Where a sample of cow's milk whether sold, or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) Where a sample of cow's milk, whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(4) Where a sample of cow's milk whether sold, or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 or more than 0·75 per cent of ash, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water, or the addition of extraneous solids, as the case may be.

Buffalo's Milk.—

(5) Where a sample of buffalo's milk (not being sold or offered for sale as skimmed or separated milk) contains less than 4·0 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat, or the addition thereto of water.

(6) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk, contains less than 9 per cent of milk solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(7) Where a sample of buffalo's milk, whether sold, or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (7) are intended to be used in those cases in which a sample of milk when it is analysed is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

(8) Where a sample of buffalo's milk, whether sold, or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk contains less than 0·60 or more than 1·00 per cent of ash, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water, or the addition of extraneous solids, as the case may be.

Unspecified Milk.—

(9) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits prescribed above under (1), (2) and (3) for cow's milk, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for Dirt in Milk.—

(10) Where a sample of milk, separated milk or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being

measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of its containing an excessive amount of dirt.

Cream.—

(11) Where a sample of cream contains less than 20 per cent of milk fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Curd.—

Curd is the product obtained by lactic acid fermentation of milk.

Curd from Cow's Milk.—

(12) Where a sample of curd from cow's milk, whether sold or offered for sale as curd from cow's milk, contains less than 8·9 per cent of total solids and more than 2·82 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

Curd from Skimmed (Cow's) Milk.—

(13) Where a sample of curd from skimmed (cow's) milk, whether sold or offered for sale as curd from skimmed (cow's) milk, contains less than 6·1 per cent of total solids and more than 3·28 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

Curd from Buffalo's Milk.—

(14) Where a sample of curd from buffalo's milk, whether sold or offered for sale as curd from buffalo's milk, contains less than 9·8 per cent of total solids and more than 3·45 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

Curd from Skimmed (Buffalo's) Milk.—

(15) Where a sample of curd from skimmed (buffalo's) milk, whether sold or offered for sale as curd

from skimmed (buffalo's) milk, contains less than 7·3 per cent of total solids and more than 3·55 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

Curd from Skimmed (unspecified) Milk.—

(16) Where a sample of curd from skimmed milk is sold or offered for sale or hawked about, without any indication as to whether it is made of cow's or buffalo's milk and by comparison with the limits prescribed above under (13) for curd from skimmed (cow's) milk, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—

(17) (*a*) Where the proportion of water in a sample of butter made from cow's or buffalo's milk or cream exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

NOTE.—Rules 18 and 19 which are intended to be used in the case of ghee samples shall also apply in the case of butter which may be clarified into ghee for this purpose.

(*b*) No preservatives except salt shall be used.

Ghee.—

(18) Where the proportion of water in a sample of ghee made from cow's or buffalo's butter exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

(19) Where a sample of ghee whether sold, or offered for sale, as cow's ghee or buffalo's ghee or mixed ghee does not satisfy the following values, it shall be

presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

	Refractive Index at 40oC	Reichert Meissl value	Polenske value	Free Fatty Acids as oleic, per cent	Saponification value	Iodine value
		Not less than	Not less than	Not more than	Not less than	Not more than
Cow's Ghee ...	41·0—44·0	21·0	1·5	0·20	225	41·0
Buffalo's Ghee ...	41·0—44·0	27·0	1·5	0·30	225	41·0
Mixed Ghee ...	41·0—4·0	25·0	1·5	0·28	225	41·0

Tea.—

(20) (*a*) Tea shall be derived exclusively from the leaves and buds of plants of the Camellia genus and Thea species.

(*b*) Tea shall contain :—

(i) a proportion of extractive matter in boiling water which is not less than 40 per cent,
(ii) a proportion of total ash of not less than 4 per cent and not more than 8 per cent,
(iii) a proportion of ash insoluble in boiling water which is not more than 3·0 per cent, and
(iv) the total alkalinity of the ash as K_2O should not be less than 1·7 or more than 2·0.

N.B.—For the purpose of this rule, the ash of tea shall be determined on dry tea, that is, tea dried to constant weight at 100°C.

(*c*) Where a sample of tea does not comply with all the standards specified in sub-rules (a) and (b), it shall be presumed for the purposes of this Act, until the contrary be proved, that the tea is not genuine.

Coffee.—

(21) (*a*) "Coffee" means the seed of cultivated varieties of Coffee Arabica, Coffee Liberica and Coffee Robusta.

"Green, raw or unroasted Coffee" is coffee freed from all but a small portion of its spermodern, and conforms in variety and in place of production to the name it bears.

"Roasted Coffee" means properly cleaned green coffee which by the action of heat (roasting) has become brown and has developed its characteristic aroma and shall not contain any admixture of other substances than coffee save as under (d):

(*b*) Coffee shall contain :—

(i) a proportion of extractive matter in boiling water which is not less than 30 per cent,

(ii) a proportion of total ash of not less than 4 per cent and not more than 5 per cent,

(iii) a proportion of ash insoluble in boiling water which is not more than 1·4 per cent, and

(iv) the total alkalinity of the ash as K_2O should not be less than 1·8 or more than 2·2.

N.B.—For the purpose of this rule, the ash of coffee powder shall be determined on dry coffee powder, that is, coffee powder dried to constant weight at 100°C.

(*c*) Where a sample of coffee does not comply with all the standards specified in sub-rules (*a*) and (*b*) it shall be presumed for the purposes of this Act, until the contrary be proved, that the coffee is not genuine.

(*d*) The only permissible adulterant to coffee is chicory, which may be added to the coffee in a proportion not exceeding 50 per cent. The fact of such an addition and the exact proportion of the adulterant shall be clearly indicated on the label of the container or packet, containing the mixture, in a conspicuous place and in distinct legible letters.

When ground coffee is sold or exposed for sale in loose form, *i.e.*, other than in specifically prepared packets or containers, the receptacles containing the coffee, or, on which it is exposed or kept for sale, shall be labelled with labels indicating the nature and extent of the adulterant present (if any) in letters less than one-half of an inch in size. Absence of such a label will be taken to imply that the coffee so kept or exposed for sale is meant to be sold as pure coffee.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. A. F. 5889—J. S. 14-38-21, dated Bangalore, the 29th April 1940.

In exercise of the powers vested in them under Section 144 (2) of the Mysore Companies Act, XVIII of 1938 the Government of His Highness the Maharaja of Mysore are pleased to make the following rules for the grant of Auditors' Certificates, the draft having been published in Notification No. A. F. 3176—J. S. 14-38, dated 20th December 1939.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

ANNEXURE.

Rules for the grant of Auditors' Certificates.

1. (*A*) The Government may upon the receipt of an application in this behalf from any person who is not below 21 years of age and (*a*) who has satisfied a test recognised by the Government as sufficient for the purpose of the rule, or (*b*) who has at least five years' practical training in auditing accounts, and who can satisfy the Government as to his competency, grant to any such person a certificate entitling the holder thereof to act as an auditor of companies.

(*B*) For the purposes of clause (*a*) of the above sub-rule, the following shall be recognised as sufficient tests:—

(i) Tests prescribed in Part II of the Auditors' Certificate Rules of the Government of India issued with Notification (Registration of Accountants) No. 213 (ii) T. and E. (A. B.), dated 26th March 1932, as amended from time to time.

(ii) Membership of any of the following institutes and societies:—

(1) The Institute of Chartered Accountants in England and Wales.
(2) The Society of Incorporated Accountants and Auditors, London.
(3) The Society of Accountants in Edinburgh.
(4) The Institute of Accountants and Actuaries in Glasgow.
(5) The Society of Accountants, Aberdeen.
(6) The Institute of Chartered Accountants in Ireland.

(Notification No. 1234—I. & C. 6-18, dated 7th August 1918, is hereby cancelled.)

(iii) Holders of the Government Diploma in Accountancy awarded on the recommendation of the Accountancy Diploma Board, Bombay.

2. A person shall not be eligible for a certificate if he—

(i) has been adjudged by a competent court to be of unsound mind;

(ii) is an undischarged insolvent;

(iii) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part;

(iv) has been convicted by a competent court, of any offence which is punishable under the Indian Penal Code and is under the provisions of the Criminal Procedure Code, non-bailable, unless the offence of which the was convicted has been pardoned or unless, on an application made by him, the Government has, by an order in this behalf, removed the disability; or

(v) having previously practised as a Public Accountant is considered by the Government not to be a fit and proper person to be granted a certificate by reason of any act of negligence, misconduct or dishonesty committed in his professional capacity.

3. (*a*) Every person desirous of obtaining a certificate shall apply to the Secretary to Government in the Development Department through the Registrar of Joint-Stock Companies in Mysore (who may, on his own authority, reject such of the applications that do not fulfil the prescribed conditions) and shall specify—

(i) his full name, age, caste, residence and qualifications; and the language or languages in which the accounts are kept, and which he considers he is competent to audit;

(ii) any examination in Auditing or Accountancy he has passed with a certificate to that effect;

(iii) if he has served in any Firm of Auditors or accountants, particulars thereof and the period for which he may have so served; and

(iv) if he has audited independently the accounts of any companies, the names of such companies and the number of the accounts so audited.

(*b*) He shall state in his application whether at any time he has applied for a certificate from any other Government or Administration in India and the result of such application.

(*c*) He shall supply such further information bearing on his application as the Government, at any time, require of him.

4. The applicant shall also furnish satisfactory evidence of character.

5. An application on behalf of a Firm of Accountants consisting of more than one member shall be made in the name of the Firm and shall state the name and qualifications of each member of the Firm and the fee payable (both entrance and annual) shall be in respect of each member of the Firm.

6. Every person whose application has been accepted by Government shall be granted a certificate entitling him to act as an Auditor of Joint-Stock Companies in the Mysore State on payment of the entrance fee and the annual fee as in rule 13 below. The certificate shall be in Form A and shall be valid from the 1st day of July of any year or from any day subsequent to that day till the 30th June of the following year. No fee shall be payable for a certificate. No application shall be necessary for the renewal of a certificate but a fresh certificate valid for the succeeding twelve months shall be sent to every auditor to whom a certificate was previously granted and whose certificate is still valid and who has paid the annual fee due under the rule.

7. The certificate granted shall specify the language or languages of the accounts which the holder shall be entitled to audit and the holder thereof shall be entitled to audit the accounts kept in such language or languages only.

8. The Government may cancel permanently or temporarily the certificate granted to any person—

(*a*) from whom a request has been received to that effect; or

(*b*) from whom the annual fee has not been received on the expiry of three months from the date on which it became due; or

(*c*) who is found to have been subject at the time of the grant of auditor's certificate or thereafter has become subject, to any of the disabilities stated in clauses (i) to (iv) of Rule 2 above;

(*d*) whom they have declared not to be a fit and proper person to hold a certificate by reason of any act of

negligence, misconduct or dishonesty committed in his professional capacity, provided that, before making such declaration, the Government shall call upon the person concerned to show cause why his certificate should not be cancelled and shall make such further enquiry, if any, as they may consider necessary.

9. The cancellation of the certificate of any person shall be notified in the *Mysore Gazette* and shall be communicated to the person concerned.

10. An Auditor's Certificate shall be deemed to be cancelled from the date on which and during the period for which it is cancelled.

11. The Government may, at any time, renew the certificate of a person removed temporarily therefrom under clauses (*a*) or (*b*) of Rule 8 above:

Provided that—

(*1*) a person whose name was removed under clause (*a*) shall have paid before the renewal of the certificate, the full amount of the annual fee for the year during which his name is restored; and

(*2*) a person whose name was removed under clause (*b*) shall have paid before the renewal of the certificate all arrears on account of the annual fee.

12. The renewal of the certificate under Rule 11 shall be notified in the *Mysore Gezette* and shall be communicated to the person concerned.

13. (*A*) No person shall be entitled to a certificate except on payment to the Registrar of Joint-Stock Companies in Mysore of a fee at the following rates, *viz.*,—

(*a*) An entrance fee (Payable as soon as the application is accepted by Government);	....	Rs. 100
(*b*) Annual fee (The annual fee shall be due and payable on the 1st of April each year).	....	Rs. 25

Provided that the full amount of entrance fee and half the amount of annual fee shall be payable by a person whose certificate is to be current for a period of six months and less.

(*B*) If the certificate is lost or destroyed, a duplicate may be obtained by the holder on application to

Government through the Registrar of Joint-Stock Companies on payment of a fee of Rs. 3.

(*C*) Such fee shall be credited by the Registrar to the Government.

14. The fee prescribed by these rules shall be paid to any Mysore Government Treasury for credit under the Head "XXII. Industries and commerce—1. Fees for Registration of Companies and Miscellaneous Receipts," and the duplicate treasury challan therefor shall be sent to the Secretary to Government, Development Department, through the Registrar of Joint-Stock Companies in Mysore, Bangalore.

15. (*a*) The Registrar of Joint-Stock Companies shall maintain a register in which shall be entered the name, residence and qualifications of every person or firm to whom a certificate has been granted under these rules and the date on which it has been granted.

(*b*) When a certificate is cancelled, the name of the person or firm to whom it was granted shall be removed from the said register.

(*c*) It shall be the duty of the Registrar to keep the register correct and up-to-date.

(*d*) The register as brought up to the 1st July every year shall be published annually in the *Mysore Gazette* by the fourth week of July along with the rules then in force and copies of the register and the rules shall be placed on sale.

ANNEXURE.

FORM A.

Auditor's Certificate.

(*See Rule 6.*)

This is to certify that.....

is entitled to be appointed and to act as an Auditor of Joint-Stock Companies in the Mysore State. The holder thereof is authorised to audit the accounts of Joint Stock Companies in the State in..... .....language(s) only.

This certificate is valid from the.....day of..... 19 . to the.....day of.....19..... (inclusive).

No. T. 3256—*R. T.* 3-39-28, *dated Bangalore, the 2nd May* 1940.

In exercise of the powers conferred on them by Section 22 of the Mysore Road Traffic and Taxes Act VI of 1935 the Government of His Highness the Maharaja are pleased to make the following amendment to the list of exemptions from payment of tolls issued with notification No. P. 3317—Legis. 46-35-6, dated 18—19th November 1935 and amended from time to time :—

(*Vide* page 153 of the Mysore Motor Manual).

Amendment.

The following shall be added as clause (viii) (*a*) to the aforesaid list of exemptions from payment of tolls :—

" (viii) (*a*) Any vehicle engaged by Government for conveyance of persons the proof of which is to be established by the production of a certificate signed by the Chief Secretary to Government of Mysore, or by any other officer duly authorised by him."

No. P. 7174—*Legis.* 29-39-6, *dated Bangalore 4th May* 1940.

In exercise of the powers conferred by sub-rule (1) of Rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments hall be made in the Enemy Property (Custody and Registration) Order 1939, namely :—

I. In sub-paragraph (6) of paragraph 8 of the said Order—

(1) for the words " any enemy property " the words " any property belonging to, or held or managed on behalf of, an enemy subject detained in an internment camp and " shall be substituted ; and

(2) the second sub-paragraph shall be omitted.

II. In sub-paragraph (3) of paragraph (8) of the said Order, after the word "Order" the words "and thereafter at such intervals as may be prescribed by the Custodian," shall be inserted.

III. After paragraph 10 of the said Order, the following paragraph shall be added, namely :—

"11. *Fees for custody.*—(1) There shall be retained by the Custodian fees equal to two per centum of—

(*a*) the amount of monies paid to him, and

(*b*) the value at the date of vesting of any property which is vested in him or of which the right of transfer is vested in him.

(2) The value of any property for the purpose of assessing the fees shall be the price which, in the opinion of the Government or of an authority empowered in this behalf by the Government, such property would fetch if sold in the open market.

(4) The fees in respect of any property may be retained out of any proceeds of the sale or transfer thereof, or out of any income accrued therefrom, or out of any other property belonging to the same enemy and vesting in the Custodian."

No. T. 3305—*R. T.* 3-39-29, *dated Bangalore 6th May* 1940.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to the Mysore Motor Vehicles Rules, 1924, as amended from time to time the draft in the said behalf having already been published at page 154, Part IV of the *Mysore Gazette*, dated 4th April 1940, with Notification No. T. 2876—R. T. 3-39-24, dated 29th March 1940 :—

Amendment.

For the existing Rule 21 (3) of the Mysore Motor Vehicles Rules, 1924, as amended from time to time, *substitute* the following :—

"21 (3) The driver of a motor vehicle shall, when approaching an intersection of roads, drive slowly, and

shall, unless otherwise directed by a Police Officer in charge of the regulation of traffic, or by a notice board erected at or near such intersection of roads, give way to the vehicles approaching from his right."

No. T. 3306—*R. T.* 3-39-30, *dated Bangalore 6th May* 1940.

In exercise of the powers conferred on them by section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following amendments to rules 3 and 2 of the rules regarding composition of the Traffic Board and constitution of the District Traffic Advisory Committees issued with notifications Nos. P. 3418-Legis. 46-35, dated 25th November 1935 and T. 2408—R. T. 53-36-15, dated 8th February 1938, respectively, the draft amendments in the said behalf having been already published at page 167, Part IV of the *Mysore Gazette*, dated 18th April 1940 with notification No. T. 3078—R. T. 3-39-25, dated 13th April 1940.

Amendments.

1. In the second sentence of Rule 3 of the Rules regarding composition of the Traffic Board delete the words

"from the date of the official gazette in which their names are notified under the preceding rule"

And insert the following:

"from such date as may be specified in the Notification in which their names are notified under the preceding rule".

2. In rule 2 of the rules issued with Notification No. T. 2408—R. T. 53-36-15, dated 8th February 1938 delete the words

"from the date of the official gazette in which their names are notified under the preceding rule".

And insert instead the following :

"'from such date as may be specified in the Notification in which their names are notified under the preceding rule".

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. A. F. 6171—*C. S.* 14-38-53, *dated Bangalore, the 9th May* 1940.

In exercise of the powers vested in them under Section 44 (2) (*g*) of the Mysore Co-operative Societies Act, VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to frame the following rule disqualifying defaulters from serving on the Committee of Management of or holding offices in Co-operative Societies.—

6-*F*. If any member during the term he has been elected or appointed to the Committee of Management or other office of a Society continues to be in default to the Society in respect of his dues for a period of three months and more, he shall *ipso facto* cease to be a member of the Committee of Management and to hold the office to which he was elected or appointed.

No. A. F. 6169—*C. S.* 14-38-52, *dated Bangalore, the 9th May* 1940.

In exercise of the powers vested in them under Section 44 (2) (*f*) of the Mysore Co-operative Societies Act, VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to frame the following rule disqualifying defaulters from voting at a General Meeting of a Co-operative Society.—

6-*E*. Notwithstanding anything contained in the bye-laws of a Society, no member who is in default to the Society in respect of his dues for a period of three months or more and who has not paid up the amounts overdue atleast seven days before the date of the general meeting, in spite of a notice having been issued to him, shall be eligible to vote at the general meeting of such society.

Explanation.—A member shall not be deemed to be a defaulter if he obtains from the Committee of Management an extension of time for the payment of a debt before it becomes due but not after.

No. A. F. 6238—*C. S.* 19-39-24, *dated Bangalore, the 14th May* 1940.

In exercise of the powers vested in them under Section 44 (2) (*g*) of the Mysore Co-operative Societies Act, VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to add the following to Rule 31 of the rules under the said Act relating to the conduct of elections to the Board of Management or other offices of Co-operative Societies.

Insert the following as a note between sub-rules 5 and 6 of Rule 31 :—

Note.—(i) In the preceding rules, wherever the words 'at least' or 'not less than' occur, the day of the act and the day of the event have both to be excluded in computing the period. Thus, if a meeting is fixed on the 28th of a month, the notice contemplated in sub-rule 1 should be sent at the latest on the 12th of the month.

(ii) Where the words " . . . . . days before " are mentioned, it is enough if either the day of the act or the day of the event is excluded. Thus, if the meeting is fixed on the 28th of a month, the publication of the voting slip contemplated in sub-rule 4 has to be done on the 25th at the latest.

By Order,

J. APPAJI GOWDA,

Secretary to Government,

General Department.

No. T. 3334—*R. T.* 80-39-3, *dated Bangalore, the 8th May* 1940.

In virtue of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act, No. VI of 1935, the Government of His Highness the Maharaja of Mysore are pleased to direct that the toll-gate at Sampugodu (Shimoga—Banavasi Road), Sorab Taluk, be abolished with effect from 1st July 1940.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

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The Mysore Gazette

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BANGALORE, THURSDAY, MAY 23, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. G. 9686—*P. H.* 45-39-17, *dated Bangalore, the* 20*th May* 1940.

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921, as amended from time to time, Government are pleased to make the rules issued with Government Notification No. G. 2463—Sany. 61-31-7, dated 2nd September 1931 (annexed hereto), applicable to the Hassan Town Municipality.

By Order,

C. E. NORONHA,
Secretary to Government,
Development Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the Diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (b).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (c).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (d).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food, knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall

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give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (e).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows :—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk whether sold as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary

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be proved, that the sample is not genuine by reason of the addition thereto of water.

N.B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum Limit for Dirt in Milk.—(8) Where a sample of milk separated or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (f).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for

sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (g).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″ × 4″ where only Kannada is used or at least 4″ × 4″ where more than one language is employed.

Section 20 (h).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

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10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vender who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a Magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. G. 9735—P. H. 45-39-17, dated Bangalore, the 22nd May 1940.

Under Section 20 of the Mysore Prevention of Adulteration Act IX of 1921 as amended from time to time, Government are pleased to make the rules issued with Government Notification No. G. 2463—Sany. 61-30-7, dated 22nd September 1931 (annexed hereto) applicable to Saklespur Town.

By Order,

C. E. NORONHA,

Secretary to Government,

Development Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the Diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (b).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (c).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (d).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food, knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall

give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (e).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows :—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk whether sold as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary

be proved, that the sample is not genuine by reason of the addition thereto of water.

N.B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum Limit for Dirt in Milk.—(8) Where a sample of milk separated or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (f).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for

sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (g).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″ × 4″ where only Kannada is used or at least 4″ × 4″ where more than one language is employed.

Section 20 (h).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vender who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a Magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

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BANGALORE, THURSDAY, MAY 30, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 7511—*Legis.* 29-39-7, *dated Bangalore the 25th May* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 126 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to empower the Inspector-General of Police in Mysore, Bangalore, to exercise all the powers conferred by the said rule 126 in the whole of Mysore.

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

No. P. 7550—*Legis.* 56-39-1, *dated Bangalore,*
27*th May* 1940.

In exercise of the powers conferred by section 6 of the Mysore Representative Assembly Act, 1923, the Government of His Highness the Maharaja are pleased to make the following amendments in the Rules of Business of the Mysore Representative Assembly, namely:—

1. For rule 13 of the Rules of Business, the following rule shall be substituted, namely.—

"13. Time for supplying copies to members.—A copy of the Budget shall be delivered to each member on the opening day of the Budget Session."

2. For rule 17 of the Rules of Business, the following rule shall be substituted, namely.—

"17. Notice of Resolutions.—Notice of resolutions on the Budget shall be given so as to reach the Financial Secretary to Government before the close of the second working day of the Budget Session."

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

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The Mysore Gazette

EXTRAORDINARY.

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BANGALORE, MONDAY, JUNE 3, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 5953—*L. C., Bangalore, dated* 30*th May* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Coffee Cess Act, 1925, is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,
Mysore Legislative Council.

Bill further to amend the Mysore Coffee Cess Act, 1925.

Whereas it is necessary to provide for the continuance of the Mysore Coffee Cess Act, 1925, for a further period of ten years and to amend the said Act accordingly;

It is hereby enacted as follows:—

Short title.

(1) This Act may be called the Mysore Coffee Cess (amendment) Act, 194 .

Addition of new section 80-A to Act I of 1908.

(2) In sub-section (*c*) of section 1 of the Mysore Coffee Cess Act, 1925, for the words "one thousand nine hundred and forty" the words "one thousand nine hundred and fifty" shall be substituted.

Statement of Objects and Reasons.

An Act to provide for the levy of cess on coffee lands in the Mysore State in order to maintain an Experimental Station or Stations for the investigation of diseases affecting coffee plant was first passed in 1925 (Act XIII of 1925). It came into force on 14th October 1925, and was to operate for five years. Subsequently, in 1930, the Act was amended so as to extend the period of operation for another ten years till 14th October 1940 (Act XIII of 1930). This period is to expire in a few months and it is considered desirable to continue the cess for another period as the experiments that are being conducted at the Coffee Experimental Station at Balehonnur have reached a fruitful stage. According to the provisions of the above Act, Government are contributing a sum not less than the amount of cess levied or leviable every year for the maintenance of the Station. This amount varies between Rs. 16,000 and Rs. 18,000 per year. It is proposed to extend the period of operation of the Act for a further period of ten years from 14th October 1940. Hence this Bill.

No. 5954—*L. C., Bangalore, dated* 30*th May* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Registration Act, 1903, is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

Bill further to Amend the Mysore Registration Act, 1903.

WHEREAS it is expedient further to amend the Mysore Registration Act, 1903;

It is hereby enacted as follows :—

1. This Act may be called the Mysore Registration (amendment) Act, 194 . Short title.

2. After section 80 of the Mysore Registration Act, 1903, the following section shall be added as section 80-A, namely :— Amendment of section 1, Act XIII of 1925.

"80-A. Notwithstanding anything contained in this Act, no documents involving mutations shall be registered unless the proper mutation fees in accordance with the scale fixed by the Government under the Mysore Land Record of Rights Act, 1927, is paid at the time of presentation of such documents."

Statement of Objects and Reasons of the Bill further to amend the Mysore Registration Act, 1903.

In response to the representations made at the Representative Assembly Meetings of June and October 1935, that in cases in which mutations are effected with reference to mortgages, sales, etc., the fees payable under the rules framed under the Record of Rights Act, 1927, may be ordered to be recovered from parties in the Sub-Registrar's Offices at the time of registration, it was ordered that the scheme of collecting mutation fees along with the registration fees be tried temporarily in one

taluk of each district. Accordingly the scheme was originally introduced into eight taluks that year and as it was found to work successfully, it was introduced into eight more taluks in each of the following years and has been in operation now in twenty-four taluks and two sub-taluks.

As the results were encouraging, the question of making the payment of these fees compulsory at the time of the registration of documents involving mutation is considered desirable and hence it is proposed to amend the Mysore Registration Act suitably to achieve the object.

No. 5956—L. C., dated Bangalore, the 30th May 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Arms Act, 1890, is published for general information with the statement of objects and reasons.

By Order,
H. V. NARAYANA RAO,
Secretary,
Mysore Legislative Council.

Bill further to amend the Mysore Arms Act, 1890.

WHEREAS it is expedient further to amend the Mysore Arms Act, 1890;

It is hereby enacted as follows:—

Short title. (1) This Act may be called the Mysore Arms (amendment) Act, 194 .

Amendment of Section 11, Act VI of 1890. (2) In the second paragraph of section 11 of the Mysore Arms Act, 1890, for the words "three years," the words "one year" shall be substituted.

Statement of Objects and Reasons of the Bill further to amend the Mysore Arms Act, 1890.

Under section 11 of the Mysore Arms Act, 1890, a person possessing arms, etc., the possession whereof has,

by virtue of the cancellation or expiry of a licence become unlawful, is required to deposit the sams with the officer in charge of the nearest police station. The arms have to be held in deposit for a period of three years after which they are forfeited to Government, unless redeemed by the owner in the meantime by the production of a licence.

It has been found in practice that most of the weapons so deposited are not redeemed and the large number of weapons that so accumulate require considerable trouble to keep them in good order. It is therefore proposed to reduce the period referred to in section 11 to one year. It is considered that this period is sufficient to enable the owner to apply for and obtain a licence for the weapon if it is of any use to him.

No. 6267—*L. C., dated Bangalore, the* 31*st May* 1940.

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Sales of Motor Spirit Taxation Bill is published for general information.

By Order,

H. V. NARAYANA RAO,
Secretary,
Mysore Legislative Council.

MYSORE SALES OF MOTOR SPIRIT TAXATION BILL.

Report of the Select Committee.

WE, the members of the Select Committee to which the Mysore Sales of Motor Spirit Taxation Bill was referred, have considered its several clauses and have the honor to submit the following report :—

Clause 2 (*a*).—To facilitate the payment of tax in places where there might not be any Government Treasury, we recommend that the following words may be added at the end of this sub-clause :—

"and includes any office or branch of a bank notified as a Government Treasury for the purposes of this Act,"

Clause 2 (d).—As petrol is sold in certain parts of the State only in admixture with alcohol under the provisions of the Mysore Power Alcohol Act, 1939, we recommend that the definition may be made to include such petrol and that therefore the following words may be added at the end of this sub-clause :—

"and includes petrol mixed with alcohol in accordance with the provisions of the Mysore Power Alcohol Act, 1939;"

Clause 3 (i).—We consider that any alteration in the rate of tax should have the approval of the Legislative Council before coming into force and so recommend that the following proviso may be added at the end of the first, namely :—

"Provided further that no such notification shall come into force until approved by a resolution of the Legislative Council."

Clause 14 (a).—We recommend that the word "vessel" may be deleted from this sub-clause as unnecessary.

Clause 15.—For the sake of clarity, we recommend that for the word and figures, "section 14" occurring at the end of this clause, the words "the last preceding section" may be substituted.

Clause 19 (c)—We recommend that for the last word "authorities," the words "authority accordingly" may be substituted.

Clause 20 (a).—We consider it necessary that the tax on petrol should always be paid before any question of compounding an offence can arise under this clause, and accordingly recommend that the following words may be added between the words "payable" and "by him," namely :—

"under this Act, in addition to the tax payable"

Clause 28.—Since we consider that the Bill makes adequate provision for all contingencies and it is, therefore, unnecessary to provide for the removal of any difficulty in giving effect to its provisions, we recommend that this clause may be deleted.

As we have not made any material alterations in the Bill, we recommend that the Bill as amended by us need not be republished.

(Sd.) N. Madhava Rao
(*Chairman*).
,, S. Abdul Wajid.
,, A. V. Ramanathan.
,, C. E. Noronha.
,, A. N. Raghavachar.
,, Mahomed Abbas Khan.
,, C. Hayavadana Rao.
,, H. Lingappa.

Mr. M. C. Linge Gowda was not able to attend the Select Committee meeting.

The approval of Mr. B. R. Puttananjappa to the report will be notified on receipt.

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Regd. No. M.—1175

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BANGALORE, THURSDAY, JUNE 6, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 10017-25—*Ml.* 86-39-123, *dated Bangalore,* 31*st May* 1940.

In exercise of the powers vested in them by and under Sections 61 (1) (*g*), 63 and 106 (1) and (2) of the Mysore Minor Municipalities Act, 1933, the Government of His Highness the Maharaja of Mysore are pleased to issue the accompanying rules for regulating the registration of vehicles within the limits of the Minor Municipalities in the State :—

Rules for regulating the numbering and registering of bicycles, tricycles and other vehicles in Minor Municipalities.—

(1) Any person who is the owner of a bicycle or tricycle or other vehicle liable to taxation in the Municipality under the law in force shall register such bicycle or tricycle or other vehicle at the Municipal Office within 31 days of these rules coming into force or his newly

coming into possession of such bicycle or tricycle or other vehicle. When he continues to be in possession of such bicycle or tricycle or vehicle he shall also register it at the said office either for the half-year within 31 days from the 1st July or from 1st January or for a year within 31 days from the 1st July each year.

Explanation.—"Owner" in the rules includes the person in charge for the time being of such bicycle or tricycle or other vehicle.

(2) The above registration shall be made on payment of the yearly or half-yearly tax on such bicycle, tricycle or other vehicle in advance under the law in force, at the rates fixed by the Municipal Council from time to time.

(3) A disc bearing the register number shall be issued on payment of the cost of the disc for each bicycle or tricycle so registered. In the case of carts and carriages, the registered number will be painted in a place on the side of the vehicle conspicuously and the cost of painting them shall be paid by the owner, in addition to the registration fee.

(4) No bicycle, tricycle or other vehicle so registered shall be used without its number disc being conspicuously attached to it or painted thereon as the case may be.

(5) A person who commits a breach of rules 1 and 4 *supra* shall, on conviction before a Magistrate, be punishable with a fine which may extend to Rs. 50.

No. Rl. 2991—*L. C.* 16-39-1, *dated, Bangalore 1st June* 1940.

In exercise of the powers conferred by Section 6 of the Mysore Legislative Council Act, 1923, the Government of His Highness the Maharaja are pleased to make the following amendment in the Rules of Business of the Mysore Legislative Council, *viz.*:

For Rule 13 of the Rules of Business, the following Rule shall be substituted, *viz.*:

"13. Copies of the Budget shall be despatched to the members of the Council on the same day that they are delivered to the members of the Representative Assembly."

No. T. 3619—*R. T.* 3-39-31, *dated, Bangalore, 3rd June* 1940.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 80 of the Rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935, as amended from time to time, the draft in the said behalf having been already published with Notification No. T. 2743—R. T. 3-39-21, dated 20th March 1940, at page 124, Part IV of the *Mysore Gazette*, dated 21st March 1940.

Amendment.

Add the following as Rule 80-B to the aforesaid Rule :—

"80-B. The First Aid box in every motor bus should be sent to the Government Industrial and Testing Laboratory once in every year by the bus owners for being overhauled and replenished at their own cost at such time as may be directed by the District Magistrate of the District. Whilst the boxes are sent for being overhauled, relief boxes would be lent to the bus owners by the District Magistrates out of the stock kept by them. These will have to be returned on return of their own boxes. The boxes should always be kept completely equipped and if at any time any of the contents are used up, they must be replaced immediately.

It should be one of the duties of the Bus Inspectors to see that the boxes are carried in every motor bus in such a manner that they can be easily opened in an emergency and that they always contain all the required articles."

No. T. 3704—*R. T.* 38-39-12, *dated 5th June* 1940.

In virtue of the powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the Salapur Check Gate in Arsikere Taluk which was ordered to be located at the 7/114th mile on the Banavar-Honnavar Road under Notification No. T. 1057—R. T. 43-36-2, dated the 27th January 1937, be shifted to 4/114th mile on the same road with effect from 1st July 1940.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

No. P. 7617, *dated the 4th June* 1940.

Under rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Sugar (Excise Duty) Act, 1934, is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,
Mysore Legislative Council.

THE SUGAR (EXCISE DUTY) (AMENDMENT) BILL.

Whereas it is necessary to revise the excise duty on sugar;

It is hereby enacted as follows:—

1. (1) This Act may be called the Sugar (Excise Duty) (amendment) Act, 194.....

(2) It shall come into force at once.

(3) The Sugar (Excise Duty) (amendment) Act, 1940, (Emergency Act No. XV of 1940) is hereby repealed.

2. In clause (ii) of sub-section (2) of section 3 of the Sugar (Excise Duty) Act, 1934, for the words "two rupees," the words "three rupees" shall be substituted.

BILL FURTHER TO AMEND THE MYSORE SUGAR EXCISE DUTY ACT, 1934.

Statement of Objects and Reasons.

The excise duty on sugar (other than Khandsari and Palmyra sugar) both in British India and Mysore was Rs. 2 per cwt. The duty was raised to Rs. 3 in British India from 1st March 1940. As the duty in Mysore has to be kept at the same rate as in British India, an Emergency Act (XV of 1940) was promulgated on 1st March 1940, raising the duty from Rs. 2 to Rs. 3 per cwt.

As the Emergency Act expires on 1st September 1940, and as the enhanced duty will have to be in force after that date also, this Bill is designed to maintain the duty at the same level as in British India even after that date.

Order No. P. 7619, *dated Bangalore, the 4th June* 1940.

Under rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the imposition and the payment of duty on gold is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

THE MYSORE DUTY ON GOLD BILL.

(A bill to provide for the imposition and the payment of duty on gold.)

Whereas it is expedient to impose a duty on gold and to provide for the payment thereof;

It is hereby enacted as follows :—

1. (*1*) This Act may be called the Mysore Duty on Gold Act, 1940. Short title and extent.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "gold works" means any place where gold is extracted from ore;

(*b*) "owner of a gold works" includes his agents and persons in charge of the gold works; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Imposition and payment of duty on gold.

3. (*1*) There shall be paid by the owner of every gold works on all gold which is produced therein and which is issued out of the premises of such works on and after the 22nd day of March 1940, a duty at the rate mentioned in sub-section (2) and at the prescribed place.

(*2*) The duty on every ounce of gold shall be three-fourths of the amount by which its sale price exceeds one hundred rupees.

Explanation.—For the purposes of this sub-section sale price shall mean the amount realised by sale less prescribed charges, if any.

(*3*) The duty shall be payable in the prescribed manner before the end of the month immediately succeeding that in which the gold is sold.

Recovery of an arrear of duty.

4. (*1*) If any duty remains unpaid at the end of the period specified in sub-section (*3*) of section 3, it shall be deemed to be an arrear and the authority to which such duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty unpaid which such authority may, in its discretion, think it reasonable to require.

(*2*) Any arrear of duty or any sum recoverable in lieu thereof under sub-section (*1*) shall be recoverable as an arrear of land revenue.

Issue of gold from gold works.

5. (*1*) No person shall issue any gold out of the premises of any gold works except in the prescribed manner and until rules in this behalf are made, except in accordance with the general or special orders of the Government.

(*2*) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty payable on any gold issued in contravention of such rule or order, whichever is greater.

6. (*1*) The Government may make rules for carrying out the purposes of this Act. Power to make rules.

(*2*) In particular and without prejudice to the generality of the powers conferred by sub-section (*1*), the rules may provide for all or any of the following matters, namely:—

(*a*) imposing on owners of gold works the duty of furnishing returns and keeping records and books, prescribing the form of such returns, records and books and the particulars to be contained therein and the manner in which the same are to be verified and all such other conditions thereof as may be necessary;

(*b*) providing for the regulation of the issue of gold out of the premises of gold works;

(*c*) providing for the manner in which, the place at which and the authority to which the duty shall be payable and for the recovery of arrears; and

(*d*) providing for the inspection of gold works.

(*3*) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees:

Provided that the breach of any rule under clause (*b*) of sub-section (*2*) shall be punishable with the penalty prescribed in sub-section (*2*) of section 5.

7. The Mysore Duty on Gold (Emergency) Act, 1940 (Act No. XVII of 1940), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Mysore Duty on Gold (Emergency) Act, 1940, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 29th day of February 1940.

Statement of Objects and Reasons.

The expansion of administrative activities and the introduction of measures calculated to improve the material and moral condition of the people entail a progressive increase of public expenditure and the question of finding additional revenue is receiving the consideration of Government. In view of the recent large

increase in the price of gold, it is considered desirable that a portion of the increased receipts should be made available to the State for expenditure on beneficent measures intended to meet urgent needs of the people. Accordingly an Emergency Act for the imposition and the payment of duty on gold, equal to three-fourths of the amount by which its sale price exceeds one hundred rupees per ounce of gold, in respect of gold produced and issued out of the premises of all gold works on and after the 22nd day of March 1940 was passed (Act XVII of 1940). The present high price of gold is likely to continue and it is proposed to place the Act permanently on the Statute Book.

No. P. 7620, *dated Bangalore, the 4th June* 1940.

Under rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

BILL FURTHER TO AMEND THE MYSORE LAND REVENUE CODE.

Statement of Objects and Reasons.

Under section 97 of the Mysore Land Revenue Code, superior holders can apply to the Deputy Commissioner in writing for assistance by the use of precautionary and other measures for the recovery of rent or land revenue payable to them by inferior holders or by co-sharers in their holdings, provided that such application is made within two years from the end of the revenue year or within the year of tenancy in which the said rent or land revenue became

payable. The Committee, which was appointed for suggesting measures for improving the conditions of inamdars and tenants in inam and jodi villages, considered that better facilities should be afforded to the inamdars to collect rents due to them and, with this view, they recommended that the period of two years fixed in the proviso to section 97 of the Code should be raised to six years in cases in which the rent or land revenue is payable in cash, the existing provision remaining unaltered in cases of rent in kind. Government accepted this recommendation among others, in their Order No. 350-409—L. R. 110-33-14, dated 15th July 1935.

It is proposed to amend the first proviso to section 97 of the Code suitably to give effect to this recommendation.

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Land Revenue (amendment) Act, 194 .

Substitution of proviso in section 97, Act IV of 1888.

2. For the first proviso to section 97 of the Mysore Land Revenue Code, 1888, the following proviso shall be substituted, namely :—

" Provided that such application be made within two yeass, and in the case of alienated or kayamgutta villages into which survey and settlement have been introduced, within six years, from the end of the revenue year or the year of tenancy in which the said rent or land revenue became payable."

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PART IV.

Legislative Measures, and Rules thereunder.

NOTIFICATION.

No. 6509—*L. C., Bangalore, dated 8th June* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore City Municipalities Act, 1933, is published for general information with the statement of objects and reasons.

By Order,
H. V. NARAYANA RAO,
Secretary,
Mysore Legislative Council.

Bill further to amend the Mysore City Municipalities Act, 1933

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933:

It is hereby enacted as follows:—

(1) This Act may be called the Mysore City Municipalities (amendment) Act, 194 .

(2) In Schedule II of the Mysore City Municipalities Act, 1933, *for* the figures and words, "0—0—1 per bundle of 100 leaves" occurring under the heading "Maximum rate" against the article "Betel-leaves," the figures and words, "0—0—2 per bundle of 100 leaves" shall be *substituted*.

Statement of Objects and Reasons.

According to the Bye-laws in force in the Bangalore City Municipality, octroi on betel-leaves is levied at the rate of two pies per bundle of 100 leaves. But, in the City Municipalities Act of 1933, the maximum rate of levy of octroi is fixed at one pie per bundle of 100 leaves. The rate actually levied according to the Bye-laws is more than the one prescribed in the Act. In the Civil and Military Station, a rate of two pies is levied on a bundle of 100 leaves.

The Municipal Commissioner, Bangalore City, in his letter dated 3rd April 1940, has forwarded a resolution of the Municipal Council, dated 5th February 1940, proposing an amendment in Schedule II of the said Act so as to legalise the levy under the Bye-laws.

It is proposed to amend the Act accordingly.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. L. 10200—*M. L.* 145-39-20, *dated Bangalore the 6th June* 1940.

The following draft amendments which are proposed to be made by Government in the revised rules regulating the supply of water in Bangalore City issued with Notification No. L. 2153—Ml. 105-34-9, dated 26th August 1939, in exercise of the powers vested in them under Section 228 of the Mysore City Municipalities Act, 1933, as amended from time to time, are published under sub-section (4) of the said section for the information of all persons interested. Any objections or suggestions must be preferred within a fortnight from the date of the publication of this notification in the *Mysore Gazette*, after which they will not be taken into consideration by Government.

I. Rule 51 will be modified as follows:—

"Any consumer who, during the period to which the meter reading relates, has used water in excess of the free allowance shall pay for such excess at the rate of rupee one per 1,000 gallons. Fractions of 1,000 gallons shall not be recorded on meter cards but will be carried forward for the next reading."

II. Rule 53 will be modified as hereunder:—

"The excess water charges, meter rent and other charges due under these rules shall be paid within fifteen days from the date of the bill at the office of the authorised officer, on bills which shall be sent to the party within five days from the date of meter reading."

"If bills are not received within five days from the date of reading, the party may obtain duplicate bills from the Supply Office to enable him to make payment within the due date."

"Non-receipt of bills shall not be accepted as excuse for delay in payment. Payments should invariably be made in cash, money orders or postal orders, but cheques for amounts not less than Re. 1 drawn on local banks, such as the Imperial Bank of India, the Mysore Bank, Co-operative Banks and Societies, shall be accepted in payment of the dues."

Disconnection and Reconnection of service.

"On failure of payment, within the due date, the Department reserves the right to cut off water-supply to the premises and connection will be restored only on receipt of the amount due along with a penalty of rupee one in such cases.

"This penalty will not be charged if disconnection is made at the request of the consumer, subject to the condition that all the dues up to the date of disconnection are paid up on or before the due date.

"Disconnection may not generally be made when the arrears due from any installation is less than rupee one, provided such arrears are paid up before the next quarterly bill is preferred.

"As mistakes are likely to occur in crediting the receipt to the proper ledger account and giving room for disconnection of service in such cases, notwithstanding such payments being made by the concerned parties, the

consumers are advised to produce receipts for payments, or alternatively, postal money order receipts or counterfoils of cheques when asked for by the officials of the Department who have been directed to effect disconnection of service, in cases of default in payment.

"No disconnection shall be made without first asking for the voucher in support of the payments made."

III. The following will be inserted as Rule 63-A:—

"In cases where wastage of water is due to leaky pipes, the party may be charged at a concessional rate of 8 annas per 1,000 gallons for such loss, the quantity being calculated as the difference between the actual consumption and the average consumption of the previous six months or the free allowance the premises are entitled to, whichever is greater."

IV. The undermentioned clause will be added as clause (i) under Rule 64:—

"In case the occupier of the premises does not give proper protection to meter readers from any injury being caused by animals such as dogs, etc."

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. A. F. 6893—*J. S.* 1-39-8, *dated Bangalore,* 18*th June* 1940.

Under the provisions of Section 248 of the Mysore Companies Act, XVIII of 1938, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules with respect to the appointment of the Registrar of Joint Stock Companies and the duties to be performed by him :—

1. The Excise Commissioner and *Ex-officio* Inspector-General of Registration shall be the *Ex-officio* Registrar of Joint Stock Companies in Mysore and the Headquarters Assistant to the Excise Commissioner, the *Ex-officio* Assistant Registrar at headquarters. The Deputy Commissioners of districts shall be *Ex-officio* Assistant Registrars in the respective Districts.

2. The Registrar may authorise the Assistant Registrar at headquarters to register any company or any documents registerable by the Registrar and to perform

such other duties in the office as he may deem fit in his discretion.

3. All Assistant Registrars shall be subordinate to the Registrar of Joint Stock Companies who shall exercise a general supervision over all these officers.

4. The office of the Registrar shall be at Bangalore, and shall be open for business (Sundays, and general holidays notified as such by the Government of His Highness the Maharaja, excepted) between the hours of 11 A.M. and 4-30 P.M.

5. The Registrar shall, on payment of a fee of Re. 1 for each inspection, permit any person to make an inspection of such registers, records or documents as, under the Act, he is entitled to inspect. But he shall not permit any person to make or cause to be made any copy of any document and he may permit only such details to be copied as are not, in his opinion, objectionable.

6. The Registrar shall, on the application of any person, grant certificates of incorporation of any company on payment of Rs. 3 per certificate, and copies or extracts of any other document that may be granted under the Act, on payment of six annas for every 100 words, or fractional part thereof, to be copied.

NOTE.—Where an application is made for a certified copy and a printed form is supplied by the applicant for the preparation of such a copy, only the portion added in manuscript in the certified copy shall be charged for at the ordinary rates for copying and in addition, a fixed fee of six annas shall be levied for comparing and certifying each copy where the total number of words, including the printed matter, exceeds 100.

Receipts.

7. The Registrar shall, in respect of every payment made to him, grant a receipt under his hand specifying in such receipt the document or documents in respect of which the fee is paid.

Filing, registering and recording documents.

8. The Registrar shall not file, register or record any document or fact, in respect of which a fee is legallly payable, until the said fee has been received and shall, pending the receipt of such fee, act in the same way as if no such document had been tendered for filing, registration or record.

Inspection, etc., of Registered Offices, or principal places of business of Companies.

9. The Registrar may, in his discretion, institute such inquiries or make such investigations in respect of any matter as may, in his opinion, be necessary for the proper performance of his duties and the due administration of the Act.

The Deputy Commissioners and *Ex-officio* Assistant Registrars, shall, within their respective districts, visit the registered offices of companies and of the principal places of business of companies for the purpose of seeing that the provisions of the Act in respect of the maintenance of books, registers and documents, and especially the provisions of Sections 72, 73, 130, 136 and 277 L. of the Act have been complied with.

Inspections of offices situated in Bangalore City will be conducted by the Assistant Registrar at the headquarters.

NOTE.—The Registrar may, in his discretion, inspect any company situated anywhere in the State whenever necessary.

10. Whenever any case of non-compliance with the provisions of the Act comes to the knowledge of the Registrar, he may refer the papers to the *Ex-officio* Assistant Registrar of the district in which the registered office of the company is situated to take the necessary steps for the recovery of the prescribed penalties. The Assistant Registrar or a person authorised by him in writing in this behalf, either generally or for the purpose of the particular case, may institute and conduct any prosecution under the Act.

Legal Assistance.

11. The Registrar, shall, for proceedings in respect of acts or defaults under the Act, be entitled to the assistance of the law officers of Government.

12. The privilege of securing the services of the law officers of Government without Government intervention, conferred on the Registrar by Rule 10 *supra*, extends only to the particular class of cases referred to, *viz.*, the institution of proceedings in respect of acts or defaults under the Act. But in other matters, *e.g.*, in obtaining advice on legal points, he should consult the law officers through the Government.

Seal.

13. Every certificate or copy granted under the provisions of the Act, shall, in addition to being signed and dated by the Registrar or Assistant Registrar, bear his seal.

14. The seal to be used shall bear the words "Registrar of Joint Stock Companies in Mysore."

15. The Registrar shall scrutinize the memorandum and the articles of association of any company applying for registration and the other documents which are required to be forwarded to him by any registered company;

and he shall satisfy himself that they are in conformity with the provisions of the law.

16. The Registrar shall keep in his office a book called "The Register of Joint Stock Companies." In this Register he shall enter (1) the names of companies and (2) the other necessary particulars in the order of their registration and shall number them consecutively. Ten pages in the register shall be allotted to each company registered. In pages allotted to each company, the Registrar or the Assistant Registrar shall enter a note of every registration effected or record made relating to the company and he shall affix the date and his signature to each note.

17. On every document registered, recorded or filed, shall be endorsed the following particulars:—

(1) The number borne by the company on the register.
(2) The name of the company.
(3) The name of the document.
(4) The date of registration, recording or filing.

The Registrar shall affix his signature thereto.

18. When a document is registered, recorded or filed, the Registrar shall give intimation of the same to the company in the forms approved by Government.

19. With respect to each company, the Registrar shall maintain a "Register of Mortgages or Charges" and shall keep a chronological index of the mortgages or charges in the forms prescribed from time to time by Government under Sections 112 and 113, respectively, of the Mysore Companies Act, XVIII of 1938.

Administration Report.

20. The Registrar shall submit to Government, so as to reach them on or before the 15th May of each year, a report on the working of the Mysore Companies Act during the year ending the 31st March preceding.

Preservation and destruction of Records.

21. The documents of each company shall be placed together in a separate file and kept distinct from those of other companies.

22. The Register of Companies and the chronological Index of Mortgages and Charges (Section 113) shall be preserved permanently.

23. All other documents and correspondence relating to companies and societies and the Register of Mortgages, referred to in Section 112 of the Mysore Companies Act,

and other records shall be preserved for such period or destroyed as the Registrar may from time to time direct.

24. An extract from the Register of Companies in respect of each district shall forthwith be sent by the Registrar to the respective *Ex-officio* Assistant Registrar to enable him to discharge his duties under the Act and under Rule 8 of these Rules. Similar extract in respect of every company subsequently registered shall be sent at the time of such registration to enable the Assistant Registrar to maintain his District Register up-to-date.

No. A. F. 6907—*P. & T.* 32-39-2, *dated Bangalore, the* 18*th June* 1940.

In exercise of the powers vested in them under Section 13 (2) (iii) of the Mysore Wireless Telegraphy Act, IV of 1937, the Government of His Highness the Maharaja of Mysore are pleased to make the following modifications in the rules under the Act in respect of the fee to be levied for licenses to possess broadcast receivers, etc.

1. Delete para 2 of rule 6 beginning with "In the case of licenses, etc.," and ending with the words "After the date of expiry" and substitute the following in its place:—

In the case of Commercial Broadcast Receiver Licenses, a fee of Rs. 25 is payable for each license issued and this permits the use of one wireless set and one loud speaker. An additional fee of Rs. 10 is payable for each additional receiver or loud speaker. The renewal fee for this license is Rs. 5 less than that of the original license, provided the expiring license is presented with the fee for renewal before the date of expiry, *i. e.*, Rs. 20 for one programme at a time and one loud speaker, Rs. 30 for one programme at a time and two loud speakers, etc.

In the case of licenses for wireless demonstration, the fee payable will be Rs. 5 per annum.

N. B.—A set consisting of several parts may be treated as one receiver, provided arrangements are made to reproduce only one programme at a time.

2. The following rules shall be added after the rule 16 of the rules as rule 17; the existing rules 17, 18 and 19 shall be renumbered 18, 19 and 20:—

If a person possesses any wireless receiving apparatus without the requisite license or continues to possess any such apparatus after the expiry of his license without obtaining a fresh license, on renewal, he shall be liable to pay, on demand by any officer duly appointed by the licensing authority in this behalf, a surcharge of Rs. 20 in the case of broadcast receiver license, and Rs. 50 in the case of a commercial broadcast receiver license in addition to the fee for the necessary license required. The licenses shall be issued from the date the apparatus was kept in possession without a license.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

No. T. 3845—*R. T.* 38-39-15, *dated Bangalore,* 18*th June* 1940.

The Government of His Highness the Maharaja are pleased to direct that the two check gates opened at Kenchenahalli and Sarathi in the Harihar Sub-Taluk, Chitaldrug District, temporarily for a period of three months under Notification No. T. 2144—R. T. 38-39-10, dated 27th January 1940, be continued for a further period of six months from 19th May 1940.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

No. 6676—L. C., Bangalore, dated 19th June 1940.

In continuation of Notification No. 6267—L. C., dated 31st May 1940, publishing the Report of the Select Committee on the Mysore Sales of Motor Spirit Taxation Bill, it is hereby published for general information that Mr. B. R. Puttananjappa has signed the Report of the Select Committee on the Mysore Sales of Motor Spirit Taxation Bill on 7th June 1940, subject to the following Note:—

Note.

Section 23 specifies that any suit, prosecution or other proceedings against any officer or servant of Government in respect of an act done or purporting to be done under the Act can be instituted only within six months from the date of the act complained of. But according to section 22, the aggrieved party will have to obtain sanction of Government before filing such suit, prosecution or other proceeding. The Bill has not provided that, while computing the date of six months under section 23, the time taken for obtaining the sanction of Government under section 22 should be excluded. I am of opinion that it is necessary to remedy this omission as otherwise hardship may in some cases be caused to aggrieved parties.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

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BANGALORE, THURSDAY, JUNE 27, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 5651—*C. B.* 147-39-5, *dated Bangalore, the* 24*th June* 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to make the following additional rules in continuation of the rules published with Notification No. 5030—C. B. 147-39-3, dated 6th May 1940.

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

CHAPTER VIII.

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CHAPTER VIII.

CORRUPT PRACTICES AND ELECTION PETITIONS.

PART I.—ELECTION AGENTS AND EXPENSES.

Appointment of election agent.

139. Every person standing as a candidate at an election to fill a seat or seats in the Assembly or the Council shall, at the time and in the manner prescribed by the provisions of these rules, appoint either himself or some one other person to be his election agent.

Disqualifications for being an agent in connection with an election.

140. No person who is for the time being disqualified under the provisions of the Act or of any of these rules from being a member of the Assembly or the Council or from voting at elections, shall, so long as the disqualification exists, be employed by or on behalf of a candidate as an agent in connection with any election held under the Act or rule made thereunder.

Revocation of appointment of an agent.

141. (1) Any revocation of the appointment of an election agent, whether he be the candidate himself or not, shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

(2) In the event of such a revocation or of the death of an election agent, whether that event occurs before or during the election, or after the election but before a return of the candidate's election expenses has been lodged in accordance with the provisions of rule 144, the candidate shall appoint forthwith either himself or some other person to be his election agent, and shall give notice in writing of the appointment to the Returning Officer.

Agent's duty to maintain accounts.

142. Every election agent shall, for each election for which he is appointed election agent, keep separate and regular books of account, and shall enter therein such particulars of expenditure in connection with the election as are specified in these rules.

Accounts of agent.

143. The books of account to be kept by an election agent under the last preceding rule shall contain a statement of all payments made by the candidate or by his election agent or by any person on behalf of the candidate or in his interests for expenses incurred on account of, or in respect of, the conduct and management of the election,

and further, a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

Return of election expenses.

144. (1) Within thirty-five days from the date of the publication of the result of the election in the official Gazette, there shall be lodged with the Returning Officer in respect of each person who has stood as a candidate a return of the election expenses of that person signed both by him and his election agent.

(2) Every such return shall be in Form XIV and contain the particulars specified in the fourth schedule, and shall be accompanied by declarations in the forms contained in paragraph 3 of the said schedule by the candidate and his election agent made on oath before a magistrate.

(3) Every such return shall also bear court-fee stamps of the value of two rupees without which the Returning Officer shall not accept the return.

Signature by a candidate or an election agent who is unable to write his name in certain cases.

145. For the purpose of rule 141 a candidate, who is enable to write his name, shall be deemed to have signed a revocation of the appointment of an election agent, and for the purpose of rule 144 a candidate or an election agent, who is unable to write his name, shall be deemed to have signed a return of election expenses, if he has placed a mark on the document in the presence of the Returning Officer and if the Returning Officer, on being satisfied as to his identity, has attested the mark as being the mark of the candidate or the election agent.

Notice that return of election expenses has been lodged, and inspection and copy of such return.

146. When any return and the declarations made in respect thereof have all been lodged with the Returning Officer, the Returning Officer shall, as soon as may be, cause a notice of the date on which the return and declarations in question have been lodged, and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and to be published in the official Gazette, and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return or declaration and, on payment of the same fees as are prescribed for grant of copies of revenue records, to obtain attested copies thereof or of any part thereof.

Maintenance of records regarding elections and election expenses.

147. (1) The Government shall cause to be prepared in such manner as it may direct a record showing—

(*a*) the names of all candidates at every election to fill a seat or seats either in the Assembly or in the Council;

(*b*) the names of the election agents of each such candidate;

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(*c*) the date of each election;

(*d*) the name of each constituency in which an election has been held; and

(*e*) the date on which the return of election expenses of each candidate in each such election has been lodged with the Returning Officer.

(2) The particulars required for the maintenance of the record mentioned above shall be furnished by the Returning Officers concerned.

(3) The record shall be open to inspection by any person on payment of a fee of two rupees, and attested copies of entries made therein shall be furnished to any person on payment of a fee of two rupees per copy of the entries relating to each candidate.

(4) The record of each election shall be maintained for five years from the date of such election.

(5) Separate records shall be maintained for general elections and bye-elections.

Power to fix maximum scales of expenditure and to regulate employment for pay.

148. (1) The Government may, from time to time by notification in the official Gazette—

(*a*) fix maximum scales of expenditure (including the personal expenses of candidates) which shall apply to any election held under the Act or the rules thereunder;

(*b*) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election.

(2) Any notification issued under this rule may make different provisions for different constituencies.

PART II.—THE DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION AND DISQUALIFICATIONS FOR CORRUPT PRACTICES.

Definitions.

149. In this Part of this Chapter and in the fifth schedule, except where it is otherwise expressly provided or the context otherwise requires—

(*a*) "agent" includes an election agent and any person who, on the trial of an election petition, is held by the Commissioner to have acted as an agent in connection with the election with the knowledge or consent of the candidate;

(*b*) "candidate" means a person who has stood or claims to have stood as a candidate at any election, and a candidate who, with the election in prospect,

has held himself out as a prospective candidate, shall be deemed to have been a candidate as from the time when he began so to hold himself out;

(*c*) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate, or to vote or refrain from voting at an election;

(*d*) "returned candidate" means a candidate whose name has been published under these rules as duly elected;

(*e*) "corrupt practice", means one of the practices specified in Parts I, II and III of the fifth schedule;

The election petition.

150. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part of this Chapter.

Presentation of the petition.

151. (1) An election petition against any returned candidate may be presented to the Government—

(*a*) by any candidate or elector on any ground;

(*b*) by an officer empowered in that behalf by the Government on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed.

Explanation.—In this rule, the expression "elector", in relation to a trade and commerce, industry or co-operation constituency, includes all the persons included in the electoral roll as the nominees of any body, notwithstanding that only one of them is entitled to vote.

(2) A petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself has been duly elected, but such a declaration shall only be claimed on one or other of the following grounds—

(*a*) that in fact the petitioner received a majority of the valid votes; or

(*b*) that, but for votes obtained for the returned candidate by corrupt practices, the petitioner would have obtained a majority of the valid votes.

Time limit for the presentation of the petition.

152. (1) An election petition against any returned candidate may be presented to the Government as provided in the last preceding rule—

(*a*) by any candidate or elector within fourteen days from the date of the publication of the notice in the official Gazette under rule 146

that the return of election expenses of the returned candidate and the declarations made in respect thereof have been lodged with the Returning Officer; or

(*b*) within thirty days from that date by an officer referred to in clause (*b*) of sub-rule (1) of rule 151.

(2) An election petition shall be deemed to have been presented to the Government when it is delivered to any officer appointed by it in this behalf—

(*a*) by the person making the petition; or

(*b*) by a person authorised in writing in this behalf by the person making the petition; or

(*c*) by registered post.

(3) When the last day of the period for the presentation of an election petition under this rule is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1917, or has been notified by the Government as a day to be observed as a holiday in Government offices, the petition shall be considered as having been received in due time if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

Contents of the petition.

153. (1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1911, for the verification of pleadings.

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any corrupt practice and the date and place of the commission of each such practice.

Against whom petition may be presented.

154. When the petitioner in addition to calling in question the election of a returned candidate, claims a declaration that he himself has been duly elected, he shall join as respondents to his petition all other candidates who stood at the election.

Deposit of security.

155. At the time of presentation of the petition, the petitioner shall, except where the petition is presented under clause (b) of sub-rule (1) of rule 151, enclose with the petition a Government treasury receipt (challan) showing that a deposit of one hundred rupees has been made by him in the treasury as security for the costs of the petition.

Petition when to be dismissed.

156. If the provisions of rule 152, rule 153 or rule 155 are not complied with, the Government may dismiss the petition.

Appointment of Commissioner for the trial of election petitions.

157. (1) Unless the Government dismisses a petition under the provisions of the last preceding rule, it shall appoint as Commissioner for the trial of the petition a person who is or has been, or is eligible to be appointed, a District Judge.

(2) All applications and proceedings in connection with the petition shall be dealt with by, and carried on by or before, the Commissioner.

(3) Where in respect of an election in a constituency more petitions than one are presented, the Government shall refer all those petitions to the same Commissioner, who may at his discretion inquire into the petitions either separately or in one or more groups, as he think fit.

(4) If during the course of the inquiry the Commissioner is unable to continue to attend thereat, the Government shall appoint another person as Commissioner and the inquiry shall recommence before the Commissioner so appointed:

Provided that the Commissioner so appointed may direct that any evidence already recorded shall remain upon record, and in that case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

Attendance of Government Advocate.

158. When at an inquiry into an election petition the Commissioner so orders, the Government Advocate, or some person appointed by the Government in that behalf, shall attend and shall take such part therein as the Commissioner may direct.

Procedure on appointment of Commissioner.

159. The Commissioner shall, as soon as may be after he is appointed, cause a copy of the petition to be served on each respondent and to be published in the official Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate

shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond:

Provided that the execution of such a bond by the petitioner shall not be required in any case where the petition has been presented under clause (*b*) of sub-rule (1) of rule 151.

Inquiry by Commissioner.

160. (1) Subject to the provisions of these rules, every election petition shall be inquired into by the Commissioner, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1911, to the trial of suits:

Provided that it shall only be necessary for the Commissioner to make a memorandum of the substance of the evidence of any witness examined by him.

(2) The Commissioner may, upon such terms as to costs and otherwise as he may direct at any time, allow the particulars included in the list mentioned in sub-rule (2) of rule 152 to be amended or order such further or better particulars in regard to any matter referred to therein to be furnished as may in his opinion be necessary for the purpose of ensuring a fair and effectual trial of the petition.

(3) Notwithstanding the provisions of rule 156, the Commissioner may inquire into the compliance of the petition with the provisions of rule 152, rule 153 or rule 155.

Place of inquiry.

161. The inquiry shall be held at such place as the Government may appoint:

Provided that the Commissioner may in his discretion sit at any other place in the State for any part of the inquiry.

Withdrawal of petition.

162. (1) An election petition may be withdrawn only by leave of the Commissioner or, if an application for withdrawal is made before any Commissioner has been appointed, of the Government.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners.

(3) When an application for withdrawal is made to the Commissioner, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the official Gazette.

(4) No application for withdrawal shall be granted if, in the opinion of the Government or of the Commissioner, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted--

(*a*) the petitioner shall, where the application has been made to the Commissioner, be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioner may think fit;

(*b*) notice of the withdrawal shall be published in the official Gazette by the Government or by the Commissioner, as the case may be; and

(*c*) any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 155 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

(6) When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under clause (*c*) of sub-rule (5), the Commissioner shall report the fact to the Government.

Abatement or substitution on death of petitioner.

163. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners:

Provided that, where such sole petitioner was an officer empowered under clause (*b*) of sub-rule (1) of rule 172, the proceedings may be continued by any other officer empowered in this behalf by the Government under the said clause.

(2) Notice of the abatement of an election petition shall be published in the official Gazette by the Commissioner or, if the petition abates before any Commissioner has been appointed, by the Government.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication,

apply to be substituted as petitioner, and, upon compliance with the conditions of rule 155 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

Abatement or substitution on death of respondent.

164. If before the conclusion of the trial of an election petition, the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioner shall cause notice of such event to be published in the official Gazette, and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continne the proceedings upon such terms as the Commissioner may think fit.

Recrimination when seat claimed.

165. (1) Where at any inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election:

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of the publication of the election petition under rule 159, given notice of his intention to the Commissioner and made the deposit and procured the execution of the bond referred to in rules 155 and 159, respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 153 in the case of an election petition and shall be signed and verified in like manner.

Grounds for declaring election void.

166. (1) Subject to the provisions of this rule, if in the opinion of the Commissioner—

(*a*) the election of a returned candidate has been procured or induced, or the results of the election has been materially affected, by any corrupt practice; or

(*b*) any corrupt practice specified in Part I of the fifth schedule has been committed in the interests of a returned candidate; or

(*c*) the result of the election has been materially affected by the improper acceptance or rejection of any notice of candidature, or by reason

of the fact that any person who was a candidate was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of any vote which is void, or by any non-compliance with the provisions of the Act or of the rules thereunder relating the election, or by any mistake in the use of any prescribed form; or

(*d*) the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Commissioner reports that a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice specified in Part I of the fifth schedule, but further reports that the candidate has satisfied him that—

(*a*) no corrupt practice was committed at the election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders, and without the sanction or connivance, of the candidate or his election agent;

(*b*) the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election;

(*c*) the corrupt practices mentioned in the report were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election; and

(*d*) in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the Commissioner may find that the election of the candidate is not void.

(3) If a person (not being entitled so to do) votes more than once at the same election, all his votes shall be deemed for the purpose of this rule to be void.

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167. (1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any person who has lodged a petition and claimed a seat, has been duly elected, and in so reporting shall have regard to the provisions of the last preceding rule. Report of the Commissioner.

(2) The report shall further include a recommendation by the Commissioner as to the total amount of costs which are payable and the persons by and to whom costs shall be paid, and any such recommendation may include a recommendation for the payment of costs to the Government Advocate or a person appointed under Rule 158 for attending the trial in pursuance of the order of the Commissioner.

(3) The report shall be signed by the Commissioner who shall forthwith forward his report to the Government.

168. Where any charge is made in an election petition of any corrupt practice, the Commissioner shall record in his report— Finding as to corrupt practices and persons guilty thereof.

(*a*) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of that corrupt practice ; and

(*b*) the names of all persons, if any, who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of that practice with any such recommendations as the Commissioner may think proper to make for the exemption of any persons from any disqualifications which they may have incurred in this connection under rules 171 to 174 :

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

169. (1) An appeal shall lie to the High Court from the report of the Commissioner on a point of law only, provided that such appeal is preferred within fifteen days from the date of such report exclusive of the time required for obtaining a copy of the report. Appeals from report of Commissioner.

(2) The High Court upon the hearing of any such case shall decide the questions of law raised thereby, and shall deliver its judgment therein containing the grounds

on which such decision is founded and shall send to the Government a copy of such judgment under the seal of the Court and the signature of the Registrar.

(3) The High Court shall frame such rules as it may deem fit for regulating the procedure to be adopted for the filing and the hearing of such appeal.

Issue of orders by the Government.

170. (1) The Government shall, on the receipt of the judgment of the High Court, issue orders in accordance with such judgment.

(2) In cases where an appeal to the High Court does not lie or is not preferred the Government shall issue orders in accordance with the report of the Commissioner.

(3) The orders of the Government shall be published in the official Gazette and shall be final.

PART III—DISQUALIFICATIONS.

Offences and practices which entail disqualification for voting or membership.

171. If any person is, after an inquiry under Part II of this Chapter, reported as guilty of any such corrupt practice as is specified in Part I or Part II of the fifth schedule he shall, for a period of six years from the date of the conviction or report, be disqualified for voting at any election to, or for membership of, the Assembly or the Council.

Disqualification for certain corrupt practices.

172. If, in relation to any election to the Assembly or the Council, any person is, after such an inquiry as aforesaid, reported as guilty of any such corrupt practice as is specified in Part III of the fifth schedule he shall be disqualified for voting at any such election or for membership of the Assembly or the Council for a period of four years from the date of the report.

Persons to be disqualified in the case of firms, etc.

173. Where under either of the two last preceding rules a person is, in connection with an election in a trade and commerce, industry, or co-operation constituency disqualified for voting for any period, then if that person was at the date of election either,

(*a*) included in the electoral roll for the constituency as the nominee of an association, firm, Hindu joint family, corporation or co-operative society entitled to nominate persons for inclusion therein; or

(*b*) a member of any such association, firm, Hindu joint family or a director, managing agent or manager of any such corporation or society or a person authorised to sign in the name of any such firm, Hindu joint family,

corporation or society in the ordinary course of its business, the association, firm, family, corporation or society shall, for the like period, be disqualified from nominating persons for inclusion in the electoral roll for any trade and commerce, industry or co-operation constituency.

Failure to lodge return of election expenses.

174. If default is made in making the return of the election expenses of any person who has been a candidate at an election to the Assembly or the Council, or if such a return is found, either by the Commissioner holding an inquiry into the election or by any court in a judicial proceeding, to be false in any material particular, the candidate and his election agent shall be disqualified for voting at any election for a period of five years from the date by which a return was required to be lodged.

Disqualification for being an election agent.

175. Any person who is for the time being disqualified under the foregoing provisions of this Part of this Chapter for being a member of either chamber, or for voting at elections, shall, so long as the disqualification exists, also be disqualified for being an election agent at any election.

Power of Government to remove disqualification.

176. Any disqualification under rules 171 to 174 inclusive arising in connection with an election to either Chamber may be removed by the Government if such disqualification is in respect of voting.

PART IV.—CUSTODY AND PRESERVATION OF ELECTION PETITIONS, ETC.

Election petitions, etc., to be kept for four years.

177. Election petitions with the proceedings and reports of the Commissioner thereon shall be kept by the Government and shall be destroyed after four years unless otherwise ordered by the Government.

CHAPTER IX.

GENERAL.

Vacation of seat by a person elected by more than one constituency.

178. (1) If any person is elected to the Assembly or the Council by more than one constituency he shall, by notice in writing signed by him and delivered to the Secretary to the Assembly or the Council, as the case may be, within seven days from the date of the publication in the official Gazette of the declarations containing

the names of that person as having been elected, or where such publication has been made on different dates within seven days from the later of such dates, as the case may be, choose for which of the constituencies he shall serve and his choice shall be conclusive.

(2) When any such choice has been made, the Government shall call upon the constituency or constituencies not chosen by such person to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void, and the Government shall call upon the constituencies concerned to elect other persons.

Vacation of seat by a person elected to both Chambers

179. (1) Any person who is chosen a member of the Assembly and the Council and who has not taken his seat in either Chamber may, by notice in writing signed by him and delivered to the Secretaries of both the Chambers, within seven days from the date of the publication in the official Gazette of the declarations that he has been so chosen, or if such publications have been made on different dates within seven days from the later of such dates, intimate in which of the Chambers he wishes to serve, and any choice so intimated shall be conclusive. In default of such intimation the seat of such person in the Assembly shall become vacant.

(2) If a person who is already a member of the Assembly and has taken his seat in such Assembly is chosen a member of the Council, his seat in the Assembly shall, on the publication in the official Gazette of the declaration that he has been so chosen, become vacant.

(3) If a person who is already a member of the Council and has taken his seat in such Council is chosen a member of the Assembly, his seat in the Council shall, on the publication in the official Gazette of the declaration that he has been so chosen, become vacant.

Penalty for failure to take the oath of allegiance.

180. If any person having been elected or nominated to the Assembly or the Council fails to take the oath of allegiance to His Highness the Maharaja within such time as the Government considers reasonable, the Government shall, by notification in the official Gazette, declare his seat to be vacant and call upon the constituency concerned to elect another member within such time as may be specified in the notification or shall nominate another person, as the case may be.

CHAPTER X. 77

SPECIAL PROVISIONS.

181. If any difficulty arises as to the preparation, revision or publication of any electoral roll or of any list of amendments to any such roll, or to the holding of any election under the provisions of these rules, the Government may, by order do anything not inconsistent with these rules or with any provision of the Act, which appears to it to be necessary for the proper preparation, revision, or publication of the roll or for the proper holding of the election. Power of the Government to remove difficulties.

182. If any question arises as to the interpretation of these rules otherwise than in connection with an election enquiry held under the provisions of these rules, the question shall be referred for the decision of the Government, and its decision shall be final. Power of the Government to interpret the rules.

FOURTH SCHEDULE. 38

RETURN OF ELECTION EXPENSES.

(Rule 144.)

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;

(*b*) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;

(*c*) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerk or messenger;

(*d*) the travelling expenses of persons, whether in receipt of salary or not, incurred, in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the persons so travelling;

(*e*) the cost whether paid or incurred of :—

(i) printing,
(ii) advertising,
(iii) stationery,
(iv) postage,

NOTE.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent or any other person or remaining unpaid on the date of the return are to be set out.

(2) For all items of five rupees and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

(v) telegrams, and

(vi) rooms hired either for public meetings or as committee rooms;

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(*f*) any other miscellaneous expenses whether paid or incurred.

3. The form of the declarations referred to in Rule 165 shall be as follows:—

Form of Declaration by Election Agent.

I, ... being the appointed election agent for....., a candidate for election in the.....constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of, ...'s candidature.

.....

Election Agent.

Solemnly affirmed before me.

.....

Magistrate.

Form of Declaration by Candidate.

I, ... being a candidate for election in the..... constituency do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of, my candidature.

.....

Candidate.

Solemnly affirmed before me.

.....

Magistrate.

FIFTH SCHEDULE. 80

Rule 159.

CORRUPT PRACTICES.

PART I.

Bribery.

1. Bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(*b*) an elector to vote or refrain from voting at an election,

or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting.

For the purposes of this paragraph the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and it includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the return of election expenses prescribed by these rules.

Undue influence.

2. Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right:

Provided that—

(*a*) without prejudice to the generality of the provisions of this paragraph, any such person as is referred to therein who—

(i) threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury of any kind; or

(ii) induces or attempts to induce a candidate or elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of that candidate or elector within the meaning of this paragraph; and

(*b*) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this paragraph.

Personation.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

Removal of voting paper.

4. The removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent.

Publication of false statements.

5. The publication by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

6. The incurring or authorizing by a candidate or his agent of expenditure, or the employment of any person by a candidate or his agent, in contravention of the provisions of any notification issued by the Government under rule 169.

PART II.

Acts under Part I.

1. Any act specified in Part I of this schedule, when done by a person who is not a candidate or his agent

or a person acting with the connivance of a candidate or his agent.

Personation.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

Bribery.

3. The receipt of, or agreement to receive, any gratification whether as a motive or reward—

(*a*) by a person for standing or not standing as, or for withdrawing from being, a candidate; or

(*b*) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

For the purposes of this paragraph the term "gratification" has the same meaning as it has for the purposes of paragraph 1 of Part I of this schedule.

Payment for conveyance.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Hiring and use of public conveyances.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle, or animal, or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

6. The making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

PART III.

Incurring expense without authority.

1. The incurring or authorization by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement,

circular or publication, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorized in writing so to do by the candidate.

Hiring of liquor shops.

2. The hiring, using or letting as a committee room or for the purpose of any meeting, to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Issue of circulars, etc., without printer's and publisher's name printed thereon.

3. The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

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XIV RETURN OF ELECTION EXPENSES.

(*Rule* 144).

LEGISLATIVE COUNCIL.

Name of Constituency.....

1. *Receipts.*—Including all monies, securities and equivalents of money received from any person (including the candidate himself), club, society, or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of, or in connection with, or incidental to the election. The name of each such person, etc., and the amount received shall be shown separately :—

Date of receipt	Name and description of payer	Amount or value
	Total ...	

2. *Expenses.*—Including all payments made by the candidate or by his election agent or by any person on behalf of, or in the interests of, the candidate in respect of any expenses incurred on account of or in connection with or incidental to the election, and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware :—

N. B.—(1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from the nature of the case a receipt cannot be obtained ; the vouchers shall be numbered and arranged in serial order and the number of the vouchers entered in the return against the item of expenditure.

(2) Each payment made shall be entered separately, except payments on account of postage and telegrams for which lump sums may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.

PART A.—*In this Part shall be shown the personal expenditure of the candidate, incurred or paid by him or by his election agent on his behalf, including all payments for personal services rendered, for hotel bills, for travelling expenses and for the purchase of books or election literature.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount unpaid
				Total ...	

PART B.—*In this Part shall be shown expenditure incurred by the candidate os his election agent for the remuneration of agents (including the election agent), clerkr or messengers. The name and description of each agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.*

Name and description of payee	On what account	Rate of payment	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid

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PART C.—*In this Part shall be shown all other expenditure (including travelling expenses and cost of refreshments provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
			Total ...		

PART D.—*In this Part shall be shown the travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not, incurred or paid by the candidate, his election agent or the person so travelling.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid

qq

PART E.—*In this Part the cost of printing shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid

PART F.—*In this Part the cost of advertising shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
			Total ...		

PART G.—*In this Part the cost of stationery shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid

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PART H.—*In this Part the cost of postage and telegrams may be shown in lumpsums.*

Expenditure incurred	Date of payment, if separate payments are shown	Amount paid
	Total	

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PART I.—*In this Part the cost of rooms hired for public meetings or as committee rooms or as an office shall be shown.*

Name and description of payee	Locality and description of rooms	Date of payment	Voucher No.	Amount paid	Amount unpaid
				Total	

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PART J.—*In this Part shall be included every disputed claim remaining unpaid.*

Name and description of claimant	Nature and alleged ground of claim	Amount of claim
	Total ...	

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. 5652—*C. B.* 147-39-6; *dated Bangalore, the* 24*th June* 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to make the following additional rules in continuation of the rules published with Notification No. 5031—C. B. 147-39-4, dated 6th May 1940.

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

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CHAPTER VIII.

CORRUPT PRACTICES AND ELECTION PETITIONS.

PART I.—ELECTION AGENTS AND EXPENSES.

Appointment of election agent.

160. Every person standing as a candidate at an election to fill a seat or seats in the Assembly or the Council shall, at the time and in the manner prescribed by the provisions of these rules, appoint either himself or some one other person to be his election agent.

Disqualifications for being an agent in connection with an election.

161. No person who is for the time being disqualified under the provisions of the Act or of any of these rules from being a member of the Assembly or the Council or from voting at elections, shall, so long as the disqualification exists, be employed by or on behalf of a candidate as an agent in connection with any election held under the Act or rule made thereunder.

Revocation of appointment of an agent.

162. (1) Any revocation of the appointment of an election agent, whether he be the candidate himself or not, shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

(2) In the event of such a revocation or of the death of an election agent, whether that event occurs before or during the election, or after the election but before a return of the candidate's election expenses has been lodged in accordance with the provisions of rule 165, the candidate shall appoint forthwith either himself or some other person to be his election agent, and shall give notice, in writing, of the appointment to the Returning Officer.

Agent's duty to maintain accounts.

163. Every election agent shall, for each election for which he is appointed election agent, keep separate and regular books of account, and shall enter therein such particulars of expenditure in connection with the election as are specified in these rules.

Accounts of agent.

164. The books of account to be kept by an election agent under the last preceding rule shall contain a statement of all payments made by the candidate or by his election agent or by any person on behalf of the candidate or in his interests for expenses incurred on account of, or in respect of, the conduct and management of the election,

and further, a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

Return of election expenses.

165. (1) Within thirty-five days from the date of the publication of the result of the election in the official Gazette, there shall be lodged with the Returning Officer in respect of each person who has stood as a candidate a return of the election expenses of that person signed both by him and his election agent.

(2) Every such return shall be in Form XIV and contain the particulars specified in the fourth schedule, and shall be accompanied by declarations in the forms contained in paragraph 3 of the said schedule by the candidate and his election agent made on oath before a magistrate.

(3) Every such return shall also bear court-fee stamps of the value of two rupees without which the Returning Officer shall not accept the return.

Signature by a candidate or an election agent who is unable to write his name in certain cases.

166. For the purpose of rule 162 a candidate, who is unable to write his name, shall be deemed to have signed a revocation of the appointment of an election agent, and for the purpose of rule 165 a candidate or an election agent, who is unable to write his name, shall be deemed to have signed a return of election expenses, if he has placed a mark on the document in the presence of the Returning Officer and if the Returning Officer, on being satisfied as to his identity, has attested the mark as being the mark of the candidate or the election agent.

Notice that return of election expenses has been lodged, and inspection and copy of such return.

167. When any return and the declarations made in respect thereof have all been lodged with the Returning Officer, the Returning Officer shall, as soon as may be, cause a notice of the date on which the return and declarations in question have been lodged, and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and to be published in the official Gazette, and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return or declaration and, on payment of the same fees as are prescribed for grant of copies of revenue records, to obtain attested copies thereof or of any part thereof.

Maintenance of records regarding elections and election expenses.

168. (1) The Government shall cause to be prepared in such manner as it may direct a record showing—

(*a*) the names of all candidates at every election to fill a seat or seats either in the Assembly or in the Council;

(*b*) the names of the election agents of each such candidate;

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(*c*) the date of each election;

(*d*) the name of each constituency in which an election has been held; and

(*e*) the date on which the return of election expenses of each candidate in each such election has been lodged with the Returning Officer.

(2) The particulars required for the maintenance of the record mentioned above shall be furnished by the Returning Officers concerned.

(3) The record shall be open to inspection by any person on payment of a fee of two rupees, and attested copies of entries made therein shall be furnished to any person on payment of a fee of two rupees per copy of the entries relating to each candidate.

(4) The record of each election shall be maintained for five years from the date of such election.

(5) Separate records shall be maintained for general elections and bye-elections.

Power to fix maximum scales of expenditure and to regulate employment for pay.

169. (1) The Government may, from time to time by notification in the official Gazette—

(*a*) fix maximum scales of expenditure (including the personal expenses of candidates) which shall apply to any election held under the Act or the rules thereunder;

(*b*) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election.

(2) Any notification issued under this rule may make different provisions for different constituencies.

PART II.—THE DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION AND DISQUALIFICATIONS FOR CORRUPT PRACTICES.

Definitions.

170. In this Part of this Chapter and in the fifth schedule, except where it is otherwise expressly provided or the context otherwise requires—

(*a*) "agent" includes an election agent and any person who, on the trial of an election petition, is held by the Commissioner to have acted as an agent in connection with the election with the knowledge or consent of the candidate;

(*b*) "candidate" means a person whoe has stood or claims to have stood as a candidate at any election, and a candidate who, with the election in prospect,

has held himself out as a prospective candidate, shall be deemed to have been a candidate as from the time when he began so to hold himself out;

(*c*) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate, or to vote or refrain from voting at an election;

(*d*) "returned candidate" means a candidate whose name has been published under these rules as duly elected;

(*e*) "corrupt practice", means one of the practices specified in Parts I, II and III of the fifth schedule.

The election petition.

171. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part of this Chapter.

Presentation of the petition.

172. (1) An election petition against any returned candidate may be presented to the Government—

(*a*) by any candidate or elector on any ground;

(*b*) by an officer empowered in that behalf by the Government on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed.

Explanation.—In this rule, the expression "elector", in relation to a trade and commerce, industry or co-operation constituency, includes all the persons included in the electoral roll as the nominees of any body, notwithstanding that only one of them is entitled to vote.

(2) A petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself has been duly elected, but such a declaration shall only be claimed on one or other of the following grounds—

(*a*) that in fact the petitioner received a majority of the valid votes; or

(*b*) that, but for votes obtained for the returned candidate by corrupt practices, the petitioner would have obtained a majority of the valid votes.

Time limit for the presentation of the petition.

173. (1) An election petition against any returned candidate may be presented to the Government as provided in the last preceding rule—

(*a*) by any candidate or elector within fourteen days from the date of the publication of the notice in the official Gazette under rule 167

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that the return of election expenses of the returned candidate and the declarations made in respect thereof have been lodged with the Returning Officer; or

(*b*) within thirty days from that date by an officer referred to in clause (*b*) of sub-rule (1) of rule 172.

(2) An election petition shall be deemed to have been presented to the Government when it is delivered to any officer appointed by it in this behalf—

(*a*) by the person making the petition; or

(*b*) by a person authorised in writing in this behalf by the person making the petition; or

(*c*) by registered post.

(3) When the last day of the period for the presentation of an election petition under this rule is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1917, or has been notified by the Government as a day to be observed as a holiday in Government offices, the petition shall be considered as having been received in due time if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

Contents of the petition.

174. (1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1911, for the verification of pleadings.

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any corrupt practice and the date and place of the commission of each such practice.

Against whom petition may be presented.

175. When the petitioner in addition to calling in question the election of a returned candidate, claims a declaration that he himself has been duly elected, he shall join as respondents to his petition all other candidates who stood at the election.

Deposit of security.

176. At the time of presentation of the petition, the petitioner shall, except where the petition is presented under clause (*b*) of sub-rule (1) of rule 172, enclose with the petition a Government treasury receipt (challan) showing that a deposit of one hundred rupees has been made by him in the treasury as security for the costs of the petition.

Petition when to be dismissed.

177. If the provisions of rule 173, rule 174 or rule 176 are not complied with, the Government may dismiss the petition.

Appointment of Commissioner for the trial of election petitions.

178. (1) Unless the Government dismisses a petition under the provisions of the last preceding rule, it shall appoint as Commissioner for the trial of the petition a person who is or has been, or is eligible to be appointed, a District Judge.

(2) All applications and proceedings in connection with the petition shall be dealt with by, and carried on by or before, the Commissioner.

(3) Where in respect of an election in a constituency more petitions than one are presented, the Government shall refer all those petitions to the same Commissioner, who may at his discretion inquire into the petitions either separately or in one or more groups, as he think fit.

(4) If during the course of the inquiry the Commissioner is unable to continue to attend thereat, the Government shall appoint another person as Commissioner and the inquiry shall re-commence before the Commissioner so appointed:

Provided that the Commissioner so appointed may direct that any evidence already recorded shall remain upon record, and in that case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

Attendance of Government Advocate.

179. When at an inquiry into an election petition the Commissioner so orders, the Government Advocate, or some person appointed by the Government in that behalf, shall attend and shall take such part therein as the Commissioner may direct.

Procedure on appointment of Commissioner.

180. The Commissioner shall, as soon as may be after he is appointed, cause a copy of the petition to be served on each respondent and to be published in the official Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate

shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond:

Provided that the execution of such a bond by the petitioner shall not be required in any case where the petition has been presented under clause (*b*) of sub-rule (1) of rule 172.

Inquiry by Commissioner.

181. (1) Subject to the provisions of these rules, every election petition shall be inquired into by the Commissioner, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1911, to the trial of suits:

Provided that it shall only be necessary for the Commissioner to make a memorandum of the substance of the evidence of any witness examined by him.

(2) The Commissioner may, upon such terms as to costs and otherwise as he may direct at any time, allow the particulars included in the list mentioned in sub-rule (2) of rule 174 to be amended or order such further or better particulars in regard to any matter referred to therein to be furnished as may in his opinion be necessary for the purpose of ensuring a fair and effectual trial of the petition.

(3) Notwithstanding the provisions of rule 177, the Commissioner may inquire into the compliance of the petition with the provisions of rule 173, rule 174 or rule 176.

Place of inquiry.

182. The inquiry shall be held at such place as the Government may appoint:

Provided that the Commissioner may in his discretion sit at any other place in the State for any part of the inquiry.

Withdrawal of petition.

183. (1) An election petition may be withdrawn only by leave of the Commissioner or, if an application for withdrawal is made before any Commissioner has been appointed, of the Government.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners.

(3) When an application for withdrawal is made to the Commissioner, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the official Gazette.

(4) No application for withdrawal shall be granted if, in the opinion of the Government or of the Commissioner, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted--

(a) the petitioner shall, where the application has been made to the Commissioner, be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioner may think fit;

(b) notice of the withdrawal shall be published in the official Gazette by the Government or by the Commissioner, as the case may be; and

(c) any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 176 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

(6) When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under clause (c) of sub-rule (5), the Commissioner shall report the fact to the Government.

Abatement or substitution on death of petitioner.

184. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners:

Provided that, where such sole petitioner was an officer empowered under clause (b) of sub-rule (1) of rule 172, the proceedings may be continued by any other officer empowered in this behalf by the Government under the said clause.

(2) Notice of the abatement of an election petition shall be published in the official Gazette by the Commissioner or, if the petition abates before any Commissioner has been appointed, by the Government.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication,

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apply to be substituted as petitioner, and, upon compliance with the conditions of rule 176 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

Abatement or substitution on death of respondent.

185. If before the conclusion of the trial of an election petition, the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioner shall cause notice of such event to be published in the official Gazette, and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioner may think fit.

Recrimination when seat claimed.

186. (1) Where at any inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election:

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of the publication of the election petition under rule 180, given notice of his intention to the Commissioner and made the deposit and procured the execution of the bond referred to in rules 176 and 180, respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 174 in the case of an election petition and shall be signed and verified in like manner.

Grounds for declaring election void.

187. (1) Subject to the provisions of this rule, if in the opinion of the Commissioner—

(*a*) the election of a returned candidate has been procured or induced, or the results of the election has been materially affected, by any corrupt practice; or

(*b*) any corrupt practice specified in Part I of the fifth schedule has been committed in the interests of a returned candidate; or

(*c*) the result of the election has been materially affected by the improper acceptance or rejection of any notice of candidature, or by reason

of the fact that any person who was a candidate was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of any vote which is void, or by any non-compliance with the provisions of the Act or of the rules thereunder relating the election, or by any mistake in the use of any prescribed form; or

(*d*) the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Commissioner reports that a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice specified in Part I of the fifth schedule, but further reports that the candidate has satisfied him that—

(*a*) no corrupt practice was committed at the election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders, and without the sanction or connivance, of the candidate or his election agent;

(*b*) the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election;

(*c*) the corrupt practices mentioned in the report were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election; and

(*d*) in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the Commissioner may find that the election of the candidate is not void.

(3) If a person (not being entitled so to do) votes more than once at the same election, all his votes shall be deemed for the purpose of this rule to be void.

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Report of the Commissioner.

188. (1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any person who has lodged a petition and claimed a seat, has been duly elected, and in so reporting shall have regard to the provisions of the last preceding rule.

(2) The report shall further include a recommendation by the Commissioner as to the total amount of costs which are payable and the persons by and to whom costs shall be paid, and any such recommendation may include a recommendation for the payment of costs to the Government Advocate or a person appointed under Rule 179 for attending the trial in pursuance of the order of the Commissioner.

(3) The report shall be signed by the Commissioner who shall forthwith forward his report to the Government.

Finding as to corrupt practices and persons guilty thereof.

189. Where any charge is made in an election petition of any corrupt practice, the Commissioner shall record in his report—

(*a*) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of that corrupt practice ; and

(*b*) the names of all persons, if any, who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of that practice with any such recommendations as the Commissioner may think proper to make for the exemption of any persons from any disqualifications which they may have incurred in this connection under rules 192 to 195 :

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

Appeals from report of Commissioner.

190. (1) An appeal shall lie to the High Court from the report of the Commissioner on a point of law only, provided that such appeal is preferred within fifteen days from the date of such report exclusive of the time required for obtaining a copy of the report.

(2) The High Court upon the hearing of any such case shall decide the questions of law raised thereby, and shall deliver its judgment therein containing the grounds

on which such decision is founded and shall send to the Government a copy of such judgment under the seal of the Court and the signature of the Registrar.

(3) The High Court shall frame such rules as it may deem fit for regulating the procedure to be adopted for the filing and the hearing of such appeal.

Issue of orders by the Government.

191. (1) The Government shall, on the receipt of the judgment of the High Court, issue orders in accordance with such judgment.

(2) In cases where an appeal to the High Court does not lie or is not preferred, the Government shall issue orders in accordance with the report of the Commissioner.

(3) The orders of the Government shall be published in the official Gazette and shall be final.

PART III—DISQUALIFICATIONS.

Offences and practices which entail disqualification for voting or membership.

192. If any person is, after an inquiry under Part II of this Chapter, reported as guilty of any such corrupt practice as is specified in Part I or Part II of the fifth schedule he shall, for a period of six years from the date of the conviction or report, be disqualified for voting at any election to, or for membership of, the Assembly or the Council.

Disqualification for certain corrupt practices.

193. If, in relation to any election to the Assembly or the Council, any person is, after such an inquiry as aforesaid, reported as guilty of any such corrupt practice as is specified in Part III of the fifth schedule he shall be disqualified for voting at any such election or for membership of the Assembly or the Council for a period of four years from the date of the report.

Persons to be disqualified in the case of firms, etc.

194. Where under either of the two last preceding rules a person is, in connection with an election in a trade and commerce, industry, or co-operation constituency disqualified for voting for any period, then if that person was at the date of election either,

(*a*) included in the electoral roll for the constituency as the nominee of an association, firm, Hindu joint family, corporation or co-operative society entitled to nominate persons for inclusion therein; or

(*b*) a member of any such association, firm, Hindu joint family or a director, managing agent or manager of any such corporation or society or a person authorised to sign in the name of any such firm, Hindu joint family,

corporation or society in the ordinary course of its business, the association, firm, family, corporation or society shall, for the like period, be disqualified from nominating persons for inclusion in the electoral roll for any trade and commerce, industry or co-operation constituency.

Failure to lodge return of election expenses.

195. If default is made in making the return of the election expenses of any person who has been a candidate at an election to the Assembly or the Council, or if such a return is found, either by the Commissioner holding an inquiry into the election or by any court in a judicial proceeding, to be false in any material particular, the candidate and his election agent shall be disqualified for voting at any election for a period of five years from the date by which a return was required to be lodged.

Disqualification for being an election agent.

196. Any person who is for the time being disqualified under the foregoing provisions of this Part of this Chapter for being a member of either chamber, or for voting at elections, shall, so long as the disqualification exists, also be disqualified for being an election agent at any election.

Power of Government to remove disqualification.

197. Any disqualification under rules 192 to 195 inclusive arising in connection with an election to either Chamber may be removed by the Government if such disqualification is in respect of voting.

PART IV.—Custody and Preservation of Election Petitions, etc.

Election petitions, etc., to be kept for four years.

198. Election petitions with the proceedings and reports of the Commissioner thereon shall be kept by the Government and shall be destroyed after four years unless otherwise ordered by the Government.

CHAPTER IX.

GENERAL.

Vacation of seat by a person elected by more than one constituency.

199. (1) If any person is elected to the Assembly or the Council by more than one constituency he shall, by notice in writing signed by him and delivered to the Secretary to the Assembly or the Council, as the case may be, within seven days from the date of the publication in the official Gazette of the declarations containing

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the names of that person as having been elected, or where such publication has been made on different dates within seven days from the later of such dates, as the case may be, choose for which of the constituencies he shall serve and his choice shall be conclusive.

(2) When any such choice has been made, the Government shall call upon the constituency or constituencies not chosen by such person to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void, and the Government shall call upon the constituencies concerned to elect other persons.

Vacation of seat by a person elected to both Chambers.

200. (1) Any person who is chosen a member of the Assembly and the Council and who has not taken his seat in either Chamber may, by notice in writing signed by him and delivered to the Secretaries of both the Chambers, within seven days from the date of the publication in the official Gazette of the declarations that he has been so chosen, or if such publications have been made on different dates within seven days from the later of such dates, intimate in which of the Chambers he wishes to serve, and any choice so intimated shall be conclusive. In default of such intimation, the seat of such person in the Assembly shall become vacant.

(2) If a person who is already a member of the Assembly and has taken his seat in such Assembly is chosen a member of the Council, his seat in the Assembly shall, on the publication in the official Gazette of the declaration that he has been so chosen, become vacant.

(3) If a person who is already a member of the Council and has taken his seat in such Council is chosen a member of the Assembly, his seat in the Council shall, on the publication in the official Gazette of the declaration that he has been so chosen, become vacant.

Penalty for failure to take the oath of allegiance.

201. If any person having been elected or nominated to the Assembly or the Council fails to take the oath of allegiance to His Highness the Maharaja within such time as the Government considers reasonable, the Government shall, by notification in the official Gazette, declare his seat to be vacant and call upon the constituency concerned to elect another member within such time as may be specified in the notification or shall nominate another person, as the case may be.

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CHAPTER X.

SPECIAL PROVISIONS.

202. If any difficulty arises as to the preparation, revision or publication of any electoral roll or of any list of amendments to any such roll, or to the holding of any election under the provisions of these rules, the Government may, by order do anything not inconsistent with these rules or with any provision of the Act, which appears to it to be necessary for the proper preparation, revision, or publication of the roll or for the proper holding of the election. Power of the Government to remove difficulties.

203. If any question arises as to the interpretation of these rules otherwise than in connection with an election enquiry held under the provisions of these rules, the question shall be referred for the decision of the Government, and its decision shall be final. Power of the Government to interpret the rules.

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FOURTH SCHEDULE.

RETURN OF ELECTION EXPENSES.

(*Rule 165.*)

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;

(*b*) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;

(*c*) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerk or messenger;

(*d*) the travelling expenses of persons, whether in receipt of salary or not, incurred, in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the persons so travelling;

(*e*) the cost whether paid or incurred of :—

(i) printing,
(ii) advertising,
(iii) stationery,
(iv) postage,

NOTE.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent or any other person or remaining unpaid on the date of the return are to be set out.

(2) For all items of five rupees and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid, but for which no receipt is attached, are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

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(v) telegrams, and

(vi) rooms hired either for public meetings or as committee rooms;

(*f*) any other miscellaneous expenses whether paid or incurred.

3. The form of the declarations referred to in Rule 165 shall be as follows:—

Form of Declaration by Election Agent.

I, ...being the appointed election agent for....., a candidate for election in the.....constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of, ...'s candidature.

.....

Election Agent.

Solemnly affirmed before me.

.....

Magistrate.

Form of Declaration by Candidate.

I, ...being a candidate for election in the.....constituency do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of, my candidature.

.....

Candidate.

Solemnly affirmed before me.

.....

Magistrate.

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FIFTH SCHEDULE.

(*Rule 170.*)

CORRUPT PRACTICES.

PART I.

Bribery.

1. Bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(*b*) an elector to vote or refrain from voting at an election,

or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting.

For the purposes of this paragraph the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and it includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the return of election expenses prescribed by these rules.

Undue influence.

2. Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right:

Provided that—

(*a*) without prejudice to the generality of the provisions of this paragraph, any such person as is referred to therein who—

(i) threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury of any kind; or

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(ii) induces or attempts to induce a candidate or elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of that candidate or elector within the meaning of this paragraph; and

(*b*) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this paragraph.

Personation.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

Removal of voting paper.

4. The removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent.

Publication of false statements.

5. The publication by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

6. The incurring or authorizing by a candidate or his agent of expenditure, or the employment of any person by a candidate or his agent, in contravention of the provisions of any notification issued by the Government under rule 169.

PART II.

Acts under Part I.

1. Any act specified in Part I of this schedule, when done by a person who is not a candidate or his agent

or a person acting with the connivance of a candidate or his agent.

Personation.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

Bribery.

3. The receipt of, or agreement to receive, any gratification whether as a motive or reward—

(*a*) by a person for standing or not standing as, or for withdrawing from being, a candidate; or

(*b*) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

For the purposes of this paragraph the term "gratification" has the same meaning as it has for the purposes of paragraph 1 of Part I of this schedule.

Payment for conveyance.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Hiring and use of public conveyances.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle, or animal, or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

6. The making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

PART III.

Incurring expense without authority.

1. The incurring or authorization by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement,

circular or publication, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorized, in writing, so to do by the candidate.

Hiring of liquor shops.

2. The hiring, using or letting as a committee room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Issue of circulars, etc., without printer's and publisher's name printed thereon.

3. The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

XIV RETURN OF ELECTION EXPENSES

(*Rule* 165)

REPRESENTATIVE ASSEMBLY.

Name of Constituency .....

1. *Receipts.*—Including all monies, securities and equivalents of money received from any person (including the candidate himself), club, society, or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of, or in connection with, or incidental to the election. The name of each such person, etc., and the amount received shall be shown separately :—

Date of receipt	Name and description of payer	Amount or value
	Total ...	

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2. *Expenses.*—Including all payments made by the candidate or by his election agent or by any person on behalf of, or in the interests of, the candidate in respect of any expenses incurred on account of or in connection with or incidental to the election, and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware :—

N. B.—(1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from the nature of the case a receipt cannot be obtained ; the vouchers shall be numbered and arranged in serial order and the number of the vouchers entered in the return against the item of expenditure.

(2) Each payment made shall be entered separately, except payments on account of postage and telegrams for which lumpsums may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.

PART A.—*In this Part shall be shown the personal expenditure of the candidate, incurred or paid by him or by his election agent on his behalf, including all payments for personal services rendered, for hotel bills, for travelling expenses and for the purchase of books or election literature.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount unpaid
				Total	

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PART B.—*In this Part shall be shown expenditure incurred by the candidate or his election agent for the remuneration of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.*

Name and description of payee	On what account	Rate of payment	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid

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PART C.—*In this Part shall be shown all other expenditure (including travelling expenses and cost of refreshments provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
			Total ...		

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PART D.—*In this Part shall be shown the travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not, incurred or paid by the candidate, his election agent or the person so travelling.*

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid

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PART E.—*In this Part the cost of printing shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid

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PART F.—*In this Part the cost of advertising shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid

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PART G.—*In this Part the cost of stationery shall be shown.*

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid

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PART H.—*In this Part the cost of postage and telegrams may be shown in lumpsums.*

Expenditure incurred	Date of payment, if separate payments are shown	Amount paid
	Total ...	

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PART I.—*In this Part the cost of rooms hired for public meetings or as committee rooms or as an office shall be shown.*

Name and description of payee	Locality and description of rooms	Date of payment	Voucher No.	Amount paid	Amount unpaid
			Total		

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PART J.—*In this Part shall be included every disputed claim remaining unpaid.*

Name and description of claimant	Nature and alleged ground of claim	Amount of claim
	Total ...	

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NOTIFICATIONS.

No. D. 5641—I. & C. 136-39-6, dated Bangalore the 20th June 1940.

The following draft rules which the Government of His Highness the Maharaja of Mysore propose to make in exercise of the powers vested in them under Section 78(1) of the Mysore Factories Act, I of 1936, regarding Hazardous Operations are hereby published for the information of persons likely to be affected thereby. Any suggestions or objections in regard to these rules may be sent to the Secretary to Government, Development Department, within three months from the date of this publication.

(1) Chromium.
(2) Cellulose.
(3) Sand blasting.
(4) Cyanogen Compounds.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

NOTIFICATION No. 1.

In exercise of the powers conferred by Section 33 (4) of the Mysore Factories Act of 1936, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rules namely:

Rules.—

1. *Title and Application.*—(*a*) These rules may be called the Hazardous (Chromium) Rules, 1940.

(*b*) They shall apply to all Factories in which any operation involving the use of soluble chromium compounds is carried on.

2. *Declaration of operations as hazardous.*—Operations involving the use of soluble chromium compounds

are declared to be hazardous operations when carried on in any factory.

3. *Prohibition of the employment of women, children and adolescents.*—No woman, child, or adolescent shall be employed in any factory in any of the operations specified in Rule 2.

4. *Protective Clothing.*—(*a*) The occupier shall provide water-proof aprons (of a pattern approved by the Chief Inspector of Factories) or overalls in a clean condition which every person employed on any of the operations specified in Rule 2 shall wear.

(*b*) The occupier shall provide loose fitting rubber gloves of suitable length and rubber boots or other water-proof foot wear for the use of those working at any vessel in which electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds or any process subsequent thereto is carried on:

Provided that the Chief Inspector of Factories may grant exemption from any or all the provisions of this rule where he is satisfied that they are not necessary to secure the health of the workers.

5. *Exhaust draughts.*—An efficient exhaust draught shall be provided, by mechanical means for the process of electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds. The draught shall operate on the vapour or spray given off in the process as near as may be at the point of origin, so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on.

NOTIFICATION No. 2.

In exercise of the powers conferred by Section 33 (4) of the Mysore Factories Act of 1936, thd Government of His Highness the Maharaja of Mysore are pleased to make the following Rules namely:—

Rules.—

1. *Title and application.*—(*a*) These rules may be called the Hazardous Occupations (Cellulose Spraying) Rules, 1940.

(*b*) They shall apply to all Factories in which the spraying of Cellulose ester paints and lacquers is carried on.

2. *Declaration of operation as hazardous.*—The spraying of Cellulose ester paints or lacquers, is declared to be hazardous operation when carried on in any factory.

3. *Prohibition of the employment of children and adolescents.*—No child or adolescent shall be employed in any factory on the operation specified in Rule 2.

4. *Exhaust draughts.*—An efficient exhaust draught shall be provided by mechanical means for the process specified in Rule 2. The draught shall operate on the vapour given off in the process as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric condition usually prevailing) from escaping into the air of any place in which work is carried on. The draught shall be maintained working for a period of at least five minutes after the cessation of the operation :

Provided that the Chief Inspector of Factories may grant exemption from the provisions of this rule if he is satisfied that due to the casual nature of the operation they are not necessary to secure the health of the workers.

5. *Position of Spray Operators.*—Arrangements shall, as far as practicable, be made so as to render it unnecessary for the person operating the spray to be in a position between a ventilating outfit and the article being sprayed.

NOTIFICATION No. 3.

In exercise of the powers conferred by Section 33 (4) of the Mysore Factories Act of 1936, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rules namely :—

Rules.—

1. *Title and application.*—(*a*) These rules may be called the Hazardous Operations (Sand Blasting) Rule, 1940.

(*b*) They shall apply to all Factories in which the operation of sand blasting as defined in Rule 2 is carried on.

2. *Definition.*—In these Rules sand blasting means the use of a jet of sand, metal shot, grit or other abrasive, propelled by a blast of compressed air or steam.

3. *Declaration of operation as hazardous operation.*—Sand blasting is declared to be a hazardous occupation when carried on in any factory.

4. *Prohibition of the employment of women adolescents and children.*—No woman, adolescent or child shall be employed in any Factory on sand blasting.

5. *Protective Clothing.*—(1) No person shall be allowed to perform or to assist at sand blasting in the open air or to work within 30 ft. of sand blasting apparatus in operation in the open air, unless he is wearing a suitable helmet and gauntlets.

(2) No person shall be allowed to work in or remain in a sand blasting chamber, unless he is wearing a suitable protective helmet overalls and gauntlets or to insert his arm or hand into the chamber, unless he is wearing a suitable gauntlet while sand blasting is carried on.

(3) The occupier shall provide and maintain in good condition all helmets, gauntlets and overalls necessary for compliance with sub-rules (1) and (2).

(4) A protective helmet shall not be considered suitable unless it carries the distinguishing mark of the person to whom it is issued and by whom it is intended to be used and is provided with a sufficient supply of pure air for breathing and ventilation, together with suitable arrangements to permit the escape of the expired air.

(5) No person shall wear a protective helmet that has been worn by another person unless and until such protective helmet shall have been thoroughly disinfected.

NOTIFICATION No. 4.

In exercise of the powers conferred by Section 33 (4) of the Mysore Factories Act of 1936, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules namely :—

Rules.—

1. *Title and application.*—(*a*) These Rules may be called Hazardous Operations (Cyanide) Rules, 1940.

(*b*) They shall apply to all Factories in which any operation involving the use of Cyanogen compounds is carried on.

2. *Declaration of operations as hazardous.*—Operations involving the use of cyanogen compounds are declared to be hazardous occupations when carried on in any factory.

3. *Prohibition of the employment of women, children and adolescents.*—No woman, child or adolescent shall be employed in any factory in any of the operations specified in Rule 2.

4. *Protective clothing and antidote.*—(1) Occupier shall provide rubber gloves for hands and arms of workmen reaching above the elbows, employed in any of the operations specified in Rule 2. (2) The occupier shall keep a box containing the antidote consisting of the following—

(i) 30 c.c. of a 23 per cent solution of ferrous sulphate.

(ii) 30 c.c. of a 5 per cent solution of caustic potash.

(iii) Two grams of powdered oxide of magnesium.

(3) The abovenamed box should be provided with a glass front and placed in some conspicuous place in the Factory and the words "Antidote for Cyanide Poisoning" with clear instructions of its use should be painted on the box.

5. *Exhaust draught.*—An efficient exhaust draught shall be provided in the Chamber where operations specified in Rule 2 are carried on. The draught shall operate on the vapour given off as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which the operations are carried on.

No. Rl. 3096—*L. C.* 19-39-6, *dated Bangalore 21st June* 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following rule be substituted for rule 35 of the Legislative Council Rules :—

"Subject to the provisions of Chapter III, a person shall be qualified to be included in the electrol roll—

(*a*) for the European Planting Constituency, if he is an European, and

(i) is the proprietor of an estate of not less than fifty acres assessed to coffee assessment; or

(ii) is the superintendent or manager of any such estate owned by a corporation which is under European control; or

(iii) if any such estate is owned by a partnership, is a partner nominated in that behalf by the other partners or is the superintendent or manager thereof;

(*b*) for the Indian Planting Constituency, if he is an Indian, and

(i) is the proprietor of an estate of not less than fifty acres assessed to coffee assessment; or

(ii) is the superintendent or manager of any such estate owned by a corporation which is under Indian control; or

(iii) if any such estate is owned by a partnership, is a partner nominated in that behalf by the other partners or is the superintendent or manager thereof;

Provided that, where any such estate is owned by a corporation or a partnership, not more than one person shall be qualified to be included in the electoral roll."

No. Rl. 3097—*R. A.* 39-39-1, *dated Bangalore, the* 21*st June* 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following rule be substituted for rule 48 of the Representative Assembly Rules:—

"Subject to the provisions of Chapter III, a person shall be qualified to be included in the electoral roll—

(*a*) for the European Planting constituency, if he is an European and—

(i) is the proprietor of an estate of not less than twenty acres assessed to coffee assessment; or

(ii) is the superintendent or manager of any such estate owned by a corporation which is under European control; or

(iii) if any such estate is owned by a partnership, is a partner nominated in that behalf by the other partners or is the superintendent or manager thereof;

(*b*) for the Indian Planting constituency, if he is an Indian and—

(i) is the proprietor of an estate of not less than twenty acres assessed to coffee assessment; or

(ii) is the superintendent or manager of any such estate owned by corporation which is under Indian control; or

(iii) if any such estate is owned by partnership, is a partner nominated in that behalf by the other partners or is the superintendent or manager thereof:

Provided that, where any such estate is owned by a corporation or a partnership, not more than one person shall be qualified to be included in the electoral roll."

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. A. F. 6—C. S. 19-39-34, dated Bangalore, the 1st July 1940.

In exercise of the powers vested in them under Section 44 (2) (*f*) of the Mysore Co-operative Societies Act, VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to frame the following amendment to clause 2 of Rule 31 of the rules relating to the election to the Board of Management and other offices of Co-operative Societies.

Substitute the following for the exception under clause 2 of Rule 31 :—

"This provision shall not apply to such of the rural societies as may be exempted by the Registrar and also to such of the urban societies which are considered by him to be in need of such exemption on account of the backwardness of a majority of its members."

By Order,

J. APPAJI GOWDA,

Secretary to Government,
General Department.

No. T. 3963—*R. T.* 4-39-3, *dated Bangalore, 27th June* 1940.

In exercise of the powers conferred on them by Section 13 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the levy at the reduced rate of service tax of Rs. 3-12-0 per seat per quarter on motor buses of Mysore City Bus Service directed under Notification No. T. 2351—R. T. 9-36-13, dated 7th June 1937 and continued till the end of June 1940, be further extended till the end of June 1941.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

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The Mysore Gazette

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BANGALORE, THURSDAY, JULY 11, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 147—*Pol.* 4-40-4, *dated Bangalore, the 5th July* 1940.

Government have ordered in Notification No. P. 125—Pol. 4-40-2, dated the 5th July 1940, that a Census of all fire-arms in the State should be taken before the 31st August 1940. As it is essential that Government should have accurate information regarding the total number of fire-arms in the possession of the public, they are pleased to offer the following concessions, so that persons in possession of unlicensed fire-arms may find no difficulty in declaring them and obtaining licenses or surrendering them to the Police, as the case may be :—

(1) No prosecution will be instituted under the Arms Act against any person who, on or before the 31st August 1940, either deposits his unlicensed weapons at a Police Station or furnishes accurate information regarding them to the Inspector-General of Police in Mysore or the District Magistrate of the District where he resides;

(2) Applications for the grant of licenses received from such persons on or before the 31st August 1940 will

be considered on their merits and if a license be granted, the applicant will be charged only the fee for the current year, no claim being made for arrears;

(3) Any such persons who do not desire to take out a license or to whom a license cannot be granted will be required to deposit their weapons if they have not already done so, at the nearest Police Station. If the weapons are deposited before the 31st August 1940 and a license be not granted, the proceeds which may be derived from their sale will be credited to such persons.

The public are hereby warned that after the 31st August 1940 prosecutions will be launched against any and every person found in unlawful possession of any weapon for which he is required by the rules to take out a license, provided that this period may be extended in the case of any person who would otherwise avail himself of this order, but is prevented from doing so by absence from the Mysore State or for any good and sufficient reasons.

No. P. 228—Legis. 2-40-2, dated Bangalore, the 11th July 1940.

In exercise of the powers conferred by sub-rule (2) of rule 94 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja hereby order that all persons in Mysore and who are the owners of any securities in respect of which the principal interest or dividends are payable in the currency of the United States of America or in respect of which the owner has an option to require the payment of principal interest or dividends in the currency of the United States of America shall, before the expiration of one month from the date of this notification, make a return to the Reserve Bank of India (on a form which may be obtained from any office of the Reserve Bank of India or from any person authorised by the Reserve Bank of India to deal in foreign exchange in British India) giving the following particulars with respect to those securities, that is to say,—

(*a*) the full name and address of the owner by whom or on whose behalf the return is made,

(*b*) a description of the security in full including particulars as to whether it is a bearer bond, registered or inscribed stock, etc.,

(*c*) the nominal amount of the security,

(*d*) whether the security is free or encumbered and if the latter, full details of the nature of the encumbrance including the amount of loan or advance, if any, which has been taken against the security and the currency in which and the name and address of person from whom it has been taken.

(*e*) the place in which and the name of the person with whom the security is deposited.

(*f*) the full name and address of the person for whose account the security is held (if other than the owner making the return).

By Order,

B. T. KESAVIENGAR,
Chief Secretary to Government.

No. T. 141—*R. T.* 100-39-2, *dated Bangalore, 10th July* 1940.

In exercise of the powers conferred upon them by Section 11 of the Mysore Motor Vehicles Act, XVI of 1928 as amended by Acts IV of 1931 and III of 1932, the Government of His Highness the Maharaja propose to introduce the following draft form, in lieu of the existing form "B" (page 69 of the Motor Manual) for entry of particulars relating to registration and taxation of motor vehicles, which is hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 18th July 1940 and that any suggestions or objections which may be received from any person with respect to the said draft form before the aforesaid date will be considered by Government.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Draft Form "B."

REGISTER OF MOTOR VEHICLES REGISTERED TOGETHER WITH ENTRIES FOR CHECKING THE PAYMENT OF TAXES.

1. Number assigned. 2. Full name of owner. 3. Postal address of usual residence of owner. 4. Name of maker and date of manufacture. 5. Number stamped on—(i) Engine, (ii) Chassis. 6. Type of motor vehicle. 7. Type of body of vehicle,—(i) Seating capacity, (ii) Carrying capacity. 8. Horse power. 9. Number of cylinders. 10. Unladen weight of vehicle in cwts. 11. Whether intended for—(i) Private use, (ii) Public Service. 12. If the vehicle is a heavy motor vehicle—Axle weight of each axle; diameter of each wheel. 13. Date of registration. 14. Amount of fee paid; chellan number and date and name of Treasury.

		Tax payments with license number.					
		Year.	*1st Qr.*	*2nd Qr.*	*3rd Qr.*	*4th Qr.*	Remarks
1.	Transfer of Vehicle						
2.	Do						
3.	Do						
4.	Do						
5.	Do						
6.	Do						
1.	Change of address.						
2.	Do						

Inspector-General of Police.

No. P. 207—*Legis.* 1-40-1, *dated Bangalore,* 10*th July* 1940.

CORRIGENDUM.

In Sub-section (2) of Section 38 of the Insurance Act, 1939, for the words, "duly attested except where the transfer or assignment is in favour of the insurer but shall not be operative" the words "duly attested but except where the transfer or assignment is in favour of the insurer shall not be operative" shall be substituted.

No. P. 208—*Legis.* 29-39-11, *dated Bangalore, the* 10*th July* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Enemy Property (Custody and Registration) Order, 1939 :—

1. In the said order—

(1) for clause (iii) of paragraph 2, the following clause shall be substituted, namely :—

"(iii) "enemy" means any person whose property is for the time being vested in the Custodian by an order made under sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore."

(2) paragraph 3 shall be renumbered as sub-paragraph (1) of paragraph 3, and after that sub-paragraph as so renumbered, the following sub-paragraph shall be inserted, namely :—

"(2) In cases in which money would, but for the existence of a state of war, be payable in a foreign currency to or for the benefit of a person who is an enemy (other than cases in which money is payable under a contract in which provision is made for a specified rate of exchange), the payment shall be made to the Custodian of Enemy Property in Mysore in Rupee currency at the middle official rate of exchange fixed by the Bank of England on the date on which the payment became due to that person (or the middle rate of exchange for telegraphic transfers in London on that date, or if there was no such rate on that date, at such rate as the Treasury of His Majesty's Government in the United Kingdom may determine as appropriate for ascertaining the value in English currency of the money payable on that date) combined with the Reserve Bank of India's buying rate for Sterling telegraphic transfers on London."

(3) In paragraph 3 for the word "enemy", the words "enemy subject or enemy firm" shall be substituted.

(4) In paragraph 8

(*a*) in sub-paragraphs (1), (2), (4) and (5), for the word "enemy" the words "enemy subject or enemy firm" shall be substituted;

(*b*) after sub-paragraph (1) the following sub-paragraph and Note shall be inserted, namely:—

"(1A) Every Bank which has furnished particulars of balances or deposits standing to the credit of an enemy in Form A may, not later than the 8th August 1940, communicate to the Custodian in Form AA full particulars of the debts, if any, owing to it by the enemy.

NOTE:—Claims submitted later than the 8th August 1940, will not be considered unless there are exceptional and valid reasons for the delay."

II. In the Appendix to the said Order, after Form A, the following Form shall be inserted, namely:—

FORM AA.

To

The Custodian of Enemy Property.

PART I.

Refunds claimed against enemy debts already paid into Custodian's account.

References		Date of deposit and name of Enemy	Amount of deposit	Withdrawals claimed	Remarks re nature of the claim
Bank's letters	Custodian's letters				
1	2	3	4	5	6
			Rs. a. p.	Rs. a. p.	Rs. a. p.
				Total claims...	

PART II.

Payments now to be made to Custodian.

References		Gross collections	Amount of Bank's claim	Net payment to Custodian	Remarks	
Bank's Letters	Custodian's Letters				Details of collections in column 3	Details of claims in column 4
1	2	3	4	5	6	7
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
				Total payments.		

PART III.

	Rs. a. p.
Total claims, Part I	....
Total payments, Part II	....
Net amount due to/by Custodian	

I certify that I have verified that the amounts claimed above are due from the particular enemy against whose assets they are now being claimed, and that the above statement is to the best of my knowledge correct.

Manager."

No. P. 215--*Legis.* 2-40-1, *dated Bangalore,* 10*th July* 1940.

Rule 90 of the Defence of India Rules as amended from time to time is hereby republished for general information :—

"90 (1) In this rule, the expression "coin" means coin which is legal tender under the Indian Coinage Act, 1906.

(2) No person shall—

(*a*) buy or sell or offer to buy or sell, for an amount other than its face value, any coin or Reserve Bank of India note or currency note of the Government of India; or

(*b*) accept or offer to accept, in payment of a debt or otherwise, any such coin or note for an amount other than its face value; or

(*c*) refuse to accept, in payment of a debt or otherwise, any such coin or note; or

(*d*) acquire coin to an amount, in excess of his personal or business requirements for the time being which, in the case of an acquisition of coin from any Currency Office, Treasury, Sub-Treasury or branch of the Imperial Bank of India doing treasury business, shall be determined by the officer in charge of such Currency Office, Treasury, Sub-Treasury or branch whose determination shall be final and shall not be called in question in any legal proceeding."

No. L. 223—*Ml.* 145-39-21, *dated Bangalore, 6th July* 1940.

The following draft amendments which are proposed to be made by Government in the Revised Rules regulating the supply of water in Bangalore City issued with Notification No. L. 2153—Ml. 105-34-9, dated 26th August 1939, in exercise of the powers vested in them under Section 228 of the Mysore City Municipalities Act, 1933, as amended from time to time, are published under Sub-Section (4) of the said section for the information of all persons interested. Any objections or suggestions must be preferred within a fortnight from the date of publication of this Notification in the *Mysore Gazette* after which they will not be taken into consideration by Government.

I. The following will be added as Sub-para to Rule 52:—

"The same rates shall apply to Government Industrial and Commercial concerns also."

II. The following will be added at the end of Rule 45:—

"But in the case of Government residential buildings like Police lines, Nurses' quarters, etc., the free allowance fixed is without restriction to the maximum limit."

III. Rule 83 will be modified as follows:—

"In the case of Government public buildings and institutions in which Government offices are held and which are not run on commercial or business or trade lines, the entire water consumed shall be charged at 8 annas per 1,000 gallons without any free allowance, as the buildings are used solely for public purposes."

IV. Rule 82 will be modified as hereunder:—

"The free allowance of water in the case of hostels or boarding schools, Government or aided or private, whether with paying members or free boarders, shall be at 12½ gallons per head per day. The Department shall get the statistics once in every quarter before the 10th of the month.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. D. 216—I. & C. 46-39-39, dated Bangalore, the 12th July 1940.

In exercise of the powers conferred on them by Section 78 (2) of the Mysore Factories Act I of 1936, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to issue the following additional rules regarding Hazardous Operations, the draft in this behalf having been already published with Notification No. D. 2446—I. & C. 46-39-8, dated 8—13th November 1939:—

1. After Part II of the schedule to rule 97 of the Mysore Factories rules the following shall be added as parts III and IV.

PART III.

Operations involving the carrying or lifting of articles by women workers in any Factory.

PART IV.

Operations of bleaching and dyeing in any Textile Factory.

2. After sub-rule 10 of rule 97 the following sub-rules shall be added :—

Sub-rule (11) : No woman worker shall by herself carry or lift articles weighing more than a third of the woman's weight or 50 lbs., whichever is less.

Sub-rule (12) : The occupier of a Textile Factory shall provide loose fitting rubber gloves of suitable length for the use of workers engaged in any of the processes specified in Part IV of the schedule. Such gloves should be collected, examined, and cleaned at the close of the day's work and shall be repaired or renewed when necessary.

2. These rules will come into force from the date of this Notification in the Gazette.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

No. P. 329—*Legis.* 37-39-22, *dated Bangalore, the* 16*th July* 1940.

In exercise of the powers conferred by sub-section (2) of section 1 of the Mysore Moneylenders' Act 1939, the Government of His Highness the Maharaja are pleased to exempt the undermentioned Banks and all their Branches from the provisions of Chapters II and III of the said Act :—

1. Sarvajana Vardhini Bank, Ltd., Doddapet, Mysore.
2. Sri Ranganatha Bank, Ltd., Chamarajanagar.

No. P. 361—*Legis.* 2-40-3, *dated Bangalore, the* 17*th July* 1940.

The following notifications of the Government of India are hereby republished for general information.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

Simla, the 20*th June* 1940.

No. 496-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For sub-rule (1) of rule 88 of the said Rules, the following sub-rule shall be substituted, namely :—

"(1) The Central Government may be notified order declare that nothing in any restriction imposed by or under any law for the time being in force shall apply to the loading, unloading, handling, storage or conveyance, in any port, aerodrome or railway station, or in or from any vessel, aircraft or railway train, of ammunition, explosives or inflammable substances in the service of His Majesty, or under instructions given on behalf of Government, or for purposes of defence."

Simla, the 22nd June 1940.

No. 356-OR/1/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In sub-rule (1) of rule 26 of the said Rules, after clause (*g*), the following clause shall be inserted, namely:—

"(*h*) otherwise regulating his conduct in any such particular as may be specified in the order :"

A. DEC. Williams,
Secretary to the Government of India.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 530—*Legis.* 2-40-10, *dated Bangalore, the* 24*th July* 1940.

The following Notification of the Government of India is hereby republished for general information.

By Order,
B. T. KESAVIENGAR,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

NOTIFICATION.

Trading with Enemy.

The 29*th June* 1940.

No. 3 (12)-E. T./40.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit the import into British India by air or by land across any customs frontier, of any goods which are the property of an enemy as defined in rule 97 of the said Rules, or which are the produce or manufacture of any enemy territory as defined in rule 2 of the said Rules, other than goods imported under an authority given generally or specially by, or by any person authorised in this behalf by, the Central Government.

H. C. Prior,
Additional Secretary to the
Government of India.

No. E. 308—*Edn.* 52-40-2, *dated Bangalore, the 22nd July* 1940.

Under the powers vested in them as per Section 48, (2) (*d*) of the Elementary Education Act of 1930, Government direct that the Rules 14 (2) and (3) of the rules for the Constitution and Election of Members to the School Board be modified as follows:—

Rule 14 (2).

"Members of the Local Education Authority who are salaried servants of Government may vote at these elections."

Rule 14 (3).

The words "non-official" occurring in the first line will be omitted. The rule as amended will read as under:—

"Every Member of the Local Education Authority who is present at the meeting shall have as many votes as there are vacancies, provided that no member shall record more than one vote for one candidate.

By Order,

J. APPAJI GOWDA,

Secretary to Government,

General Department.

Order No. P. 371—*Legis.* 4-40-1, *dated Bangalore, the 17th July* 1940.

Ordered that the accompanying Act to provide for the imposition and the payment of duty on Gold which received the assent of His Highness the Maharaja, on the 6th day of July 1940, be published as Act No. XIX of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

ACT No. XIX OF 1940.

THE MYSORE DUTY ON GOLD ACT.

(An Act to provide for the imposition and the payment of duty on gold.)

(Received the assent of His Highness the Maharaja on the 6th day of July 1940).

Whereas it is expedient to impose a duty on gold and to provide for the payment thereof;

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Mysore Duty on Gold Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "gold works" means any place where gold is extracted from ore;

(*b*) "owner of a gold works" includes his agents and persons in charge of the gold works; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Imposition and payment of duty on gold.

3. (*1*) There shall be paid by the owner of every gold works on all gold which is produced therein and which is issued out of the premises of such works on and after the 22nd day of March 1940, a duty at the rate mentioned in sub-section (2) and at the prescribed place.

(*2*) The duty on every ounce of gold shall be three-fourths of the amount by which its sale price exceeds one hundred rupees.

Explanation.—For the purposes of this sub-section sale price shall mean the amount realised by sale less prescribed charges, if any.

(*3*) The duty shall be payable in the prescribed manner before the end of the month immediately succeeding that in which the gold is sold.

Recovery of an arrear of duty.

4. (*1*) If any duty remains unpaid at the end of the period specified in sub-section (*3*) of section 3, it shall be deemed to be an arrear and the authority to which such

duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty unpaid which such authority may, in its discretion, think it reasonable to require.

(2) Any arrear of duty or any sum recoverable in lieu thereof under sub-section (1) shall be recoverable as an arrear of land revenue.

Issue of gold from gold works.

5. (1) No person shall issue any gold out of the premises of any gold works except in the prescribed manner and until rules in this behalf are made, except in accordance with the general or special orders of the Government.

(2) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty payable on any gold issued in contravention of such rule or order, whichever is greater.

Power to make rules.

6. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the rules may provide for all or any of the following matters, namely:—

(a) imposing on owners of gold works the duty of furnishing returns and keeping records and books, prescribing the form of such returns, records and books and the particulars to be contained therein and the manner in which the same are to be verified and all such other conditions thereof as may be necessary;

(b) providing for the regulation of the issue of gold out of the premises of gold works;

(c) providing for the manner in which, the place at which and the authority to which the duty shall be payable and for the recovery of arrears; and

(d) providing for the inspection of gold works.

(3) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees:

Provided that the breach of any rule under clause (b) of sub-section (2) shall be punishable with the penalty prescribed in sub-section (2) of section 5.

7. The Mysore Duty on Gold (Emergency) Act, 1940 (Act No. XVII of 1940), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Mysore Duty on Gold (Emergency) Act, 1940, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 29th day of February 1940.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 451—*Legis.* 6-40-1, *dated Bangalore, the* 19*th July* 1940.

Ordered that the accompanying Act further to amend the Mysore Land Revenue Code, 1888, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XXI of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XXI OF 1940.

THE MYSORE LAND REVENUE (AMENDMENT) ACT, 1940.

(*Received the assent of His Highness the Maharaja on the 9th day of July 1940.*)

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Land Revenue (amendment) Act, 194 .

Substitution of proviso in section 97, Act IV of 1888.

2. For the first proviso to section 97 of the Mysore Land Revenue Code, 1888, the following proviso shall be substituted, namely :—

" Provided that such application be made within two years, and in the case of alienated or kayamgutta

villages into which survey and settlement have been introduced, within six years, from the end of the revenue year or the year of tenancy in which the said rent or land revenue became payable."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 452—Legis. 5-40-1, dated Bangalore, 19th July 1940.

Ordered that the accompanying Act to provide for the levy of a tax on retail sales of Motor Spirit in Mysore, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XX of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XX OF 1940.

MYSORE SALES OF MOTOR SPIRIT TAXATION ACT, 1940.

An Act to provide for the levy of a tax on retail sales of Motor Spirit in Mysore.

(Received the assent of His Highness the Maharaja on the 9th day of July 1940.)

WHEREAS it is expedient to provide for the levy of a tax on retail sales of motor spirit in Mysore;

It is hereby enacted as follows:—

1. (i) This Act may be called the Mysore Sales of Motor Spirit Taxation Act, 1940.

(ii) It extends to the whole of Mysore.

(iii) This section shall come into force at once. The Government may, by notification in the official

Gazette, apply all or any of the other provisions of this Act from such date as may be specified in the notification.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Government Treasury" means the State Huzur Treasury, Bangalore, or any District or Taluk Treasury of the Government; and includes any office or branch of a Bank notified as a Government Treasury for the purposes of this Act;

(*b*) "importer" means any person who imports motor spirit into Mysore;

(*c*) "motor spirit" means any substance which by itself or in admixture with other substances is ordinarily used directly or indirectly to provide reasonably efficient fuel for automotive or stationary internal combustion engines, and includes petrol, diesel oil and other internal combustion oils, but does not include kerosene, furnace oil, coal or charcoal;

(*d*) "petrol" means dangerous petroleum as defined in the Petroleum Act, 1923; and includes petrol mixed with alcohol in accordance with the provisions of the Mysore Power Alcohol Act, 1939;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "retail dealer" means any person who sells or keeps for sale motor spirit for the purposes of consumption by the person by whom or on whose behalf it is or may be purchased;

(*g*) "retail sale" means a sale of motor spirit by a retail dealer for the purpose of consumption by the person by whom or on whose behalf it is or may be purchased, and the expression "sell in retail" shall be construed accordingly; and

(*h*) "wholesale dealer" means any person who sells motor spirit, or keeps motor spirit for sale, to dealers in such spirit, for the purpose of trade.

Explanation.—A sale of motor spirit by a co-operative society or a club, a firm or any association to one of its members for consumption is a retail sale within the meaning of clause (*g*).

3. (i) Subject to the provisions of this Act, there shall be levied on all retail sales of motor spirit effected after the commencement of this Act, a tax,

in the case of petrol,—at the rate of one anna per gallon, and

in the case of any motor spirit other than petrol—at the rate of six pies per gallon ;

and such tax shall be payable by the person effecting the sale :

Provided that the Government may, from time to time by notification in the official Gazette, fix any other rate at which the tax shall be payable :

Provided further that no such notification shall come into force until approved by a resolution of the Legislative Council.

(ii) Where any retail dealers obtain their supplies of motor spirit from an importer or a wholesale dealer, it shall be open to the Government, by agreement with the importer or wholesale dealer, to levy from him in advance the tax which may be payable by the retail dealers under sub-section (i) on the sale by them of the motor spirit and the provisions of this Act relating to the assessment and recovery of tax shall, subject to such conditions as may be agreed upon, apply to the importer or wholesale dealer accordingly.

(iii) No tax shall be levied under this Act on the sale of any motor spirit in respect of which such tax has already been paid.

4. (i) No person shall, after the commencement of this Act, carry on business in motor spirit as an importer or as a wholesale or retail dealer at any place in Mysore unless he has been registered as such under this Act :

Provided that persons carrying on business at the commencement of this Act shall be allowed two months from such commencement to get themselves registered under this Act.

Explanation.—Where a person has more than one place of business, whether in the same town or village or in different towns and villages, he shall get himself registered separately in respect of each such place of business.

(ii) (*a*) No importer or wholesale dealer shall, unless also registered as a retail dealer under this Act, sell motor spirit for consumption or sale in Mysore to any person other than an importer or a wholesale dealer or a retail dealer, registered as such under this Act.

(*b*) No retail dealer shall use or transfer for consumption any motor spirit stocked by him without its being included in his accounts and in the next return of retail sales submitted by him under section 5 (*b*).

(iii) Application for registration as an importer or a wholesale dealer or a retail dealer under this Act shall be made in such form and to such authority as may be prescribed.

(iv) Registration may be made subject to such conditions if any, as may be prescribed, including in the case of an applicant for registration as a retail dealer, the making of such deposit or the furnishing of such security as the registering authority may consider necessary to ensure the due payment of the tax, which may from time to time be payable by him.

(v) No person including a company or firm registered as an importer, a wholesale dealer or a retail dealer, shall carry on the business of public transport requiring the use of motor spirit.

(vi) Any registration under sub-section (i) may be suspended or cancelled by such authority, for such reasons and in such manner, as may be prescribed.

5. Every retail dealer in motor spirit shall in respect of each place where he carries on business—

(*a*) keep books of account in the prescribed form; and

(*b*) submit every month to the Deputy Commissioner and to such other officers as may be prescribed, a return in the prescribed form and before the prescribed date, showing—

(i) the quantity of motor spirit received by him during the preceding month;

(ii) the quantity sold by him during such month; and

(iii) such other particulars as may be prescribed.

6. Along with the return referred to in clause (*b*) of section 5, the retail dealer shall furnish a receipt from a Government Treasury for the amount of the tax due in

respect of the motor spirit sold by him in retail during the preceding month, according to the return.

7. (i) If no return is submitted by a retail dealer under clause (*b*) of section 5 in respect of any month before the date prescribed in that behalf, or if the return is submitted without a receipt for the full amount of the tax due as required under section 6, or if the return submitted appears to the Deputy Commissioner to be incorrect or incomplete, the Deputy Commissioner shall, after making such inquiry as he considers necessary, determine the amount of the tax due from such retail dealer in respect of such month and the amount so determined less the sum, if any, already paid by him shall be paid by the retail dealer into a Government Treasury within fourteen days after demand is made therefor :

Provided that before taking action under this subsection, the retail dealer shall be given a reasonable opportunity of proving the correctness and completeness of his return.

(ii) In default of payment within the period aforesaid, the amount of tax due shall be recovered from the person from whom the tax is due as if it were an arrear of land revenue.

8. Every importer or wholesale dealer, shall—

(*a*) keep books of account in the prescribed form, and

(*b*) submit every month to the Deputy Commissioner and to such other officers as may be prescribed, a return in the prescribed form and before the prescribed date, showing—

(i) the quantity of motor spirit received by him in the preceding month,

(ii) the quantities of motor spirit supplied by him during such month to other importers, wholesale dealers or retail dealers specifying the name and address of each importer, wholesale dealer or retail dealer, the quantities supplied by him, and the dates on which the supplies were made, and

(iii) such other particulars as may be prescribed.

9. (1) All accounts and vouchers relating to stocks, purchases, sales and deliveries of motor spirit kept by importers, wholesale dealers and retail dealers and the

stocks of motor spirit with them shall be open to inspection by such officers as the Government may authorise in that behalf.

(2) Any such officer shall have power to enter and search any building, vehicle or place where any importer, wholesale dealer or retail dealer carries on business or keeps any stock of motor spirit.

10. Any person who—

(*a*) carries on business in motor spirit as an importer, a wholesale dealer or a retail dealer at any place without getting himself registered as required by sub-section (i) of section 4 or when his registration in respect of such place is not in force, or

(*b*) fails to keep books of account as required by clause (*a*) of section 5 or of section 8, or

(*c*) fails to submit any return as required by clause (*b*) of section 5 or of section 8 on or before the prescribed date, or submits an incorrect or incomplete return or fails to submit a receipt for the full amount of the tax due as required by section 6, or

(*d*) fails to pay the tax due from him within the time allowed, or

(*e*) fraudulently evades the payment of any tax due under this Act, or

(*f*) acts in contravention of any of the provisions of this Act,

shall, on conviction by a Magistrate of the First Class, be liable to a fine which may extend to one thousand rupees and where the breach is a continuing one, to a further fine which may extend to fifty rupees for every day after the first during which the breach continues.

11. The motor spirit in respect of which an offence against this Act is committed and any receptacle in which such spirit is contained shall be liable to confiscation.

12. (i) When in any case tried by a Magistrate, the Magistrate decides that any thing is liable to confiscation under section 11, he may, after hearing the person, if any, claiming any right there to and the evidence, if any, which he produces in support of his claim, order confiscation or may give the owner an option to pay such fine as the Magistrate deems fit in lieu of confiscation.

(ii) When an offence against this Act has been committed but the offender is not known, or cannot be

found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the prescribed officer who may order such confiscation :

Provided that no such order shall be made until the expiration of one month from the date of seizure of the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and the evidence, if any, which they produce in support of their claims.

13. (i) Any officer of the Government specially empowered by it in this behalf may issue a warrant for the arrest of any person whom he has reason to believe to have committed an offence against this Act.

(ii) All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1904, by a Police Officer, or if the officer issuing the warrant deems fit, by any other person.

14. Any officer of the Government specially empowered by them in this behalf may—

(*a*) enter and search any building, vehicle or place in which he has reason to believe that any motor spirit liable to confiscation under this Act is kept or concealed ;

(*b*) seize any motor spirit and any receptacle which he has reason to believe to be liable to confiscation under this Act ; and

(*c*) detain, search and arrest any person whom he has reason to believe to be guilty of any offence against this Act.

15. The provisions of section 61 of the Code of Criminal Procedure, 1904, shall apply to all arrests without warrant made under the last preceding section.

16. Every officer employed by the Government or by any local authority shall be bound to give immediate information at the nearest police station or, if so required by any general or special order issued by the Government, to the nearest Excise Officer of rank not below that of a sub-inspector, of all breaches of any of the provisions of this Act which may come to his knowledge ; and all such officers shall be bound to take all reasonable measures in their power to prevent the commission of any such

breaches which they may know or have reason to believe are about or likely to be committed.

17. (i) Every officer of the Excise, Police or Land Revenue Department not below such rank as may be prescribed, shall, within the area for which he is appointed, have power to investigate all offences against this Act.

(ii) Every such officer shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1904, upon an officer in charge of a police station for the investigation of a cognizable offence:

Provided that if such officer is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond, with or without sureties, to appear if and when so required before a Magistrate and shall make a full report of the case to the Deputy Commissioner.

18. (i) All offences against this Act shall be bailable.

(ii) Any officer empowered under section 17 shall have power to grant bail in accordance with the provisions of the Code of Criminal Procedure, 1904, to any person arrested without warrant for an offence against this Act.

19. When anything has been seized by an officer exercising powers under section 17, such officer, after such inquiry as he considers necessary—

(*a*) if it appears that such thing is required as evidence in the case of any person arrested, shall forward the thing to the Magistrate to whom such person is forwarded or for his appearance before whom bail has been taken:

(*b*) if it appears that such thing is liable to confiscation but is not required as evidence as aforesaid, shall send the thing with a report of the particulars of the seizure to the prescribed authority; and

(*c*) if no offence appears to have been committed, shall return the thing to the person from whose possession it was taken and shall report to the prescribed authority accordingly.

20. (i) The prescribed authority may accept from any person who has committed or is reasonably suspected

of having committed an offence against this Act, by way of composition of such offence—

(*a*) where the offence consists of a sale of motor spirit in contravention of this Act or of the evasion of any tax payable under this Act, in addition to the tax payable by him under section 3, a sum of money not exceeding five hundred rupees or double the amount of the tax payable, whichever is greater; and

(*b*) in other cases, a sum of money not exceeding five hundred rupees.

(ii) On the payment of such sum of money and the tax, if any, payable under section 3, to the prescribed authority, the accused person shall be discharged, the property seized, if any, shall be released and no further proceedings shall be taken against such person or property in respect of such offence.

21. (i) No Magistrate shall take cognizance of any offence against this Act—

(*a*) except upon the complaint or report of the Deputy Commissioner or other prescribed authority, or

(*b*) except upon his own knowledge or suspicion.

(ii) Except with the sanction of the Government, no Magistrate shall take cognizance of any offence against this Act, unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed:

Provided that nothing contained in this sub-section shall apply to any case governed by section 23.

22. (i) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government, for any act done or purporting to be done under this Act, without the previous sanction of the Government.

(ii) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

23. No suit shall be instituted against the Government, and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other

proceeding is instituted within six months from the date of the act complained of.

24. (i) Any person aggrieved by any order passed under this Act, not being an order passed by any court or Magistrate, may appeal—

(*a*) in case such order is passed by a Deputy Commissioner, to the Government, and

(*b*) in any other case, to the Deputy Commissioner.

(ii) The appellate authority may, after giving the appellant an opportunity of being heard, pass such orders on the appeal as such authority thinks fit.

(iii) Every order passed in appeal under this section shall, subject to the powers of revision conferred by section 25, be final.

25. The Government may, at any time, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Act, for the purpose of satisfying itself as to the legality or propriety of such order, or as to the regularity of such proceedings, and may pass such order in reference thereto at it thinks fit.

Nothing contained in this section shall apply to the orders or proceedings of any court or Magistrate.

26. (i) The Government may make rules to carry out the purposes of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the regulation of the sale of motor spirit for the purpose of enforcing the provisions of this Act;

(*c*) the duties and powers of inspecting and other officers appointed or authorised to exercise any powers under this Act, and the procedure to be followed by such officers;

(*d*) the form in which, and the time within which, appeals under section 24 may be preferred; and

(*e*) any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of this Act.

(iii) In making a rule under sub-section (i) or sub-section (ii), the Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees and where the breach is a continuing one, with further fine which may extend to fifty rupees for every day after the first during which the breach continues.

(iv) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the condition of the rules being made after previous publication for a period of not less than four weeks.

27. All rules made and notifications issued under this Act shall be published in the official Gazette and upon such publication, shall have effect as if enacted in this Act.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 453—*Legis.* 8-40-1, *dated Bangalore, the* 19*th July* 1940.

Ordered that the accompanying Act further to amend the Mysore Arms Act, 1890, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XXIII of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government, Law Department.

ACT No. XXIII OF 1940.

THE MYSORE ARMS (AMENDMENT) ACT, 1940.

An Act further to amend the Mysore Arms Act, 1890.

(*Received the assent of His Highness the Maharaja on the 9th day of July 1940.*)

WHEREAS it is expedient further to amend the Mysore Arms Act, 1890;

It is hereby enacted as follows :—

(1) This Act may be called the Mysore Arms (amendment) Act, 194 . Short title.

(2) In the second paragraph of section 11 of the Mysore Arms Act, 1890, for the words "three years," the words "one year" shall be substituted. Amendment of Section 11, Act VI of 1890.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 454—*Legis.* 7-40-1, *dated Bangalore, the* 19*th July* 1940.

Ordered that the accompanying Act further to amend the Sugar (Excise Duty) Act, 1934, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XXII of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XXII OF 1940.

THE SUGAR (EXCISE DUTY) (AMENDMENT) BILL.

(Received the assent of His Highness the Maharaja on the 9th day of July 1940.)

Whereas it is necessary to revise the Excise Duty on sugar;

It is hereby enacted as follows :—

1. (*1*) This Act may be called the Sugar (Excise Duty) (amendment) Act, 194 .

(*2*) It shall come into force at once.

(*3*) The Sugar (Excise Duty) (amendment) Act, 1940 (Emergency Act No. XV of 1940), is hereby repealed.

2. In clause (ii) of sub-section (2) of section 3 of the Sugar (Excise Duty) Act, 1934, for the words "two rupees," the words "three rupees" shall be substituted.

MIRZA M. ISMAIL,
Dewan.

No. P. 492—Legis. 2-40-5, dated Bangalore, the 22nd July 1940.

The following Notification of the Government of India, Defence Co-ordination Department is republished for general information.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 8th June 1940.

No. 366-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

To clause (a) of sub-rule (2) of rule 81 of the said Rules, the following shall be added, namely :—

"and in particular for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances."

A. de C. Williams,
Secretary to the Government of India.

No. P. 493—Legis. 2-40-6, dated Bangalore, the 22nd July 1940.

In exercise of the powers conferred by Rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja hereby direct that

the following articles shall be added to the list of articles specified in Notification No. P. 1490—Legis., dated the 7th September 1939, namely:—

Matches.
Household Soap.
Fodder, bran, pollard and oil-cakes.

No. P. 494—*Legis.* 2-40-7, *dated Bangalore,*
22*nd July* 1940.

In exercise of the powers conferred by section 2 of the Defence of India Act, 1939, as applied to Mysore (Act No. XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that the powers conferred on it by clause (a) of sub-rule (2) of rule 81 of the Defence of India Rules, as applied to Mysore, to provide by order for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (a) thereof, shall be exercisable by Deputy Commissioners of Districts in their respective districts subject to the following conditions namely:—

(*a*) the said powers shall be exercisable only in respect of the articles specified in Notification No. P. 1490—Legis., dated 7th September 1939, except Petrol.;

(*b*) the said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Government.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

No. P. 495—*Legis.* 2-40-8, *Dated Bangalore,*
22nd July 1940.

The following Notifications of Government of India are hereby published for general information.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 29th June 1940.

No. 418-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After rule 60 of the said Rules, the following rule shall be inserted, namely :—

Power to exclude Indian vessels from particular areas.

"60-A. (1) The Central Government may, if it appears to it to be necessary or expedient so to do for the purpose of facilitating the protection of shipping or the efficient prosecution of war, by order require any vessel registered in British India to leave, or to keep away from, any area specified in the order, and any such order may make provision for such incidental and supplementary matters as appear to the Central Government to be necessary or expedient.

(2) If in the case of any vessel registered in British India an order under sub-rule (1) is contravened or not complied with, the master of the vessel and the owner or other person having the management thereof shall each

be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine."

Simla, the 29th June 1940.

No. 510-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 92 of the said Rules, sub-rules (1) and (2) shall be renumbered as sub-rules (2) and (3), respectively and before sub-rule (2) as so renumbered, the following sub-rule shall be inserted, namely:—

"(1) The Central Government may by notified order direct the owners of any such foreign exchange as is specified in the order to make a return to the Reserve Bank of India within such period, and giving such particulars as to the foreign exchange, as may be specified in the order."

A. de C. Williams,
Secretary to the Government of India.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. G. 798—P. H. 136-39-3, dated Bangalore, the 29th July 1940.

Under Section 20-E of the Mysore Prevention of Adulteration Act, IX of 1921, as amended by Act, IV of 1929, Act IV of 1930 and Act XII of 1935, the Government of His Highness the Maharaja of Mysore are pleased to issue the following amendments and additions to rule 6 issued with Government Notification No. G. 2463—Sany. 61-30-7, dated 22nd September 1931, annexed hereto, fixing the standards of purity prescribed for milk, cream, butter and ghee and also to the rules issued with Notification No. G. 7985—P. H. 157-36-6, dated 30th March 1938 fixing the standards of coffee and a fresh rule regarding tea, previous publication having been made in Government Notification No. G. 9104—P. H. 136-39-2, dated 27th April 1940.

By Order,

C. E. NORONHA,

Secretary to Government,

Development Department.

Amended Rules.

6. The standards of purity prescribed for milk, cream, curds, butter and ghee, and tea and coffee are as follows:—

Milk.—

Cow's Milk.—

(1) Where a sample of cow's milk (not being sold or offered for sale as skimmed or separated milk) contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) Where a sample of cow's milk whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) Where a sample of cow's milk, whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(4) Where a sample of cow's milk whether sold, or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 or more than 0·75 per cent of ash, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water, or the addition of extraneous solids, as the case may be.

Buffalo's Milk.—

(5) Where a sample of buffalo's milk (not being sold or offered for sale as skimmed or separated milk) contains less than 4·0 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of

the abstraction therefrom of milk-fat, or the addition thereto of water.

(6) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk, contains less than 9 per cent of milk solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(7) Where a sample of buffalo's milk, whether sold, or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (7) are intended to be used in those cases in which a sample of milk when it is analysed is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

(8) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk contains less than 0·60 or more than 1·00 per cent of ash, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water, or the addition of extraneous solids, as the case may be.

Unspecified Milk.—

(9) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits prescribed above under (1), (2) and (3) for cow's milk, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum Limit for Dirt in Milk.—

(10) Where a sample of milk, separated milk or skimmed milk deposits on standing for a period of 24

hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of its containing an excessive amount of dirt.

Cream.—

(11) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Curd.—

Curd is the product obtained by lactic acid fermentation of milk.

Curd from Cow's Milk.—

(12) Where a sample of curd from cow's milk, whether sold or offered for sale as curd from cow's milk, contains less than 8·9 per cent of total solids and more than 2·82 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

Curd from Skimmed (Cow's) Milk.—

(13) Where a sample of curd from skimmed (cow's) milk, whether sold or offered for sale as curd from skimmed (cow's) milk, contains less than 6·1 per cent of total solids and more than 3·28 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

Curd from Buffalo's Milk.—

(14) Where a sample of curd from buffalo's milk, whether sold or offered for sale as curd from buffalo's milk, contains less than 9·8 per cent of total solids and more than 3·45 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until

the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

Curd from Skimmed (Buffalo's) Milk.—

(15) Where a sample of curd from skimmed (buffalo's) milk, whether sold or offered for sale as curd from skimmed (buffalo's) milk, contains less than 7·3 per cent of total solids and more than 3·55 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

Curd from Skimmed (Unspecified) Milk.—

(16) Where a sample of curd from skimmed milk is sold or offered for sale or hawked about, without any indication as to whether it is made of cow's or buffalo's milk and by comparison with the limits prescribed above under (13) for curd from skimmed (cow's) milk, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—

(17) (*a*) Where the proportion of water in a sample of butter made from cow's or buffalo's milk or cream exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

NOTE.—Rules 18 and 19 which are intended to be used in the case of ghee samples shall also apply in the case of butter which may be clarified into ghee for this purpose.

(*b*) No preservatives except salt shall be used.

Ghee.—

(18) Where the proportion of water in a sample of ghee made from cow's or buffalo's butter exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

(19) Where a sample of ghee, whether sold or offered for sale, as cow's ghee or buffalo's ghee or mixed ghee does not satisfy the following values, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

	Refractive Index at 40°C	Reichert Meissl value	Polenske value	Free Fatty Acids as oleic, per cent	Saponification value	Iodine value
		Not less than	Not less than	Not more than	Not less than	Not more than
Cow's Ghee ...	41·0—44·0	21·0	1·5	0·20	225	41·0
Buffalo's Ghee ...	41·0—44·0	27·0	1·5	0·30	225	41·0
Mixed Ghee ...	41·0—4·0	25·0	1·5	0·28	225	41·0

Tea.—

(20) (*a*) Tea shall be derived exclusively from the leaves and buds of plants of the *Camellia* genus and *Thea* species.

(*b*) Tea shall contain :—

(i) a proportion of extractive matter in boiling water which is not less than 40 per cent,

(ii) a proportion of total ash of not less than 4 per cent and not more than 8 per cent,

(iii) a proportion of ash insoluble in boiling water which is not more than 3·0 per cent, and

(iv) the total alkalinity of the ash as K_2O should not be less than 1·7 or more than 2·0.

N.B.—For the purpose of this rule, the ash of tea shall be determined on dry tea, that is, tea dried to constant weight at 100°C.

(*c*) Where a sample of tea does not comply with all the standards specified in sub-rules (*a*) and (*b*), it shall be presumed for the purposes of this Act, until the contrary be proved, that the tea is not genuine.

Coffee.—

(21) (*a*) "Coffee" means the seed of cultivated varieties of *Coffea arabica*, *Coffea liberica* and *Coffea robusta*.

"Green, raw or unroasted Coffee" is coffee freed from all but a small portion of its spermoderm, and conforms in variety and in place of production to the name it bears.

"Roasted Coffee" means properly cleaned green coffee which by the action of heat (roasting) has become brown and has developed its characteristic aroma and shall not contain any admixture of other substances than coffee, save as under (*d*).

(*b*) Coffee shall contain :—

(i) a proportion of extractive matter in boiling water which is not less than 30 per cent,

(ii) a proportion of total ash of not less than 4 per cent and not more than 5 per cent,

(iii) a proportion of ash insoluble in boiling water which is not more than 1·4 per cent, and

(iv) the total alkalinity of the ash as K_2O should not be less than 1·8 or more than 2·2.

N.B.—For the purpose of this rule, the ash of coffee powder shall be determined on dry coffee powder, that is, coffee powder dried to constant weight at 100°C.

(*c*) Where a sample of coffee does not comply with all the standards specified in sub-rules (*a*) and (*b*) it shall be presumed for the purposes of this Act, until the contrary be proved, that the coffee is not genuine.

(*d*) The only permissible adulterant to coffee is chicory, which may be added to the coffee in a proportion not exceeding 50 per cent. The fact of such an addition and the exact proportion of the adulterant shall be clearly indicated on the label of the container or packet, containing the mixture, in a conspicuous place and in distinct legible letters.

When ground coffee is sold or exposed for sale in loose form, *i.e.*, other than in specifically prepared packets or containers, the receptacles containing the coffee, or on which it is exposed or kept for sale, shall be labelled with labels indicating the nature and extent of the adulterant present (if any) in letters less than one-half of an inch in size. Absence of such a label will be taken to imply that the coffee so kept or exposed for sale is meant to be sold as pure coffee.

No. T. 322—*R. T.* 103-39-2, *dated Bangalore, 24th July* 1940.

In exercise of the powers conferred on them by Section 13 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja of Mysore are pleased to direct that, until further orders, the weight of the gas equipment of motor vehicles propelled by charcoal gas shall not be taken into account in ascertaining the unladen weight of the vehicle for purposes of taxation.

Order No. P. 543—*Legis.* 9-40-1, *Bangalore, dated 24th July* 1940.

Ordered that the accompanying Act further to amend the Mysore Coffee Cess Act, 1925, which received the assent of His Highness the Maharaja, on the 15th day of July 1940, be published as Act No. XXIV of 1940, in the *Mysore Gazette*, for general information.

H. V. NARAYANA RAO,
Secretary to Government, Law Department.

ACT No. XXIV OF 1940.

THE MYSORE COFFEE CESS (AMENDMENT) ACT, 1940.

Received the assent of His Highness the Maharaja, on the 15th day of July 1940.

Whereas it is necessary to provide for the continuance of the Mysore Coffee Cess Act, 1925, for a further period of ten years and to amend the said Act accordingly;

It is hereby enacted as follows:—

Short title. (1) This Act may be called the Mysore Coffee Cess (amendment) Act, 1940.

Addition of new section 80-A to Act I of 1908. (2) In sub-section (*c*) of section 1 of the Mysore Coffee Cess Act, 1925, for the words "one

thousand nine hundred and forty " the words " one thousand nine hundred and fifty " shall be substituted.

MIRZA M. ISMAIL,
Dewan.

No. P. 544—*Legis.* 10-40-1, *dated, Bangalore, the* 24*th July* 1940.

Ordered that the accompanying Act further to amend the Mysore Registration Act, 1903, which received the assent of His Highness the Maharaja, on the 15th day of July 1940, be published as Act No. XXV of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XXV OF 1940.

THE MYSORE REGISTRATION (AMENDMENT) ACT, 1940.

(Received the assent of His Highness the Maharaja on the 15th July 1940.)

WHEREAS it is expedient further to amend the Mysore Registration Act, 1903; It is hereby enacted as follows :—

1. This Act may be called the Mysore Registration (Amendment) Act, 1940. Short title.

2. After section 80 of the Mysore Registration Act, 1903, the following section shall be added as section 80-A, namely :— Amendment of section 1, Act XIII of 1925.

"80-A. Notwithstanding anything contained in this Act, no documents involving mutations shall be registered unless the proper mutation fees in accordance with the scale fixed by the Government under the Mysore Land Record of Rights Act, 1927, is paid at the time of presentation of such documents."

MIRZA M. ISMAIL,
Dewan.

No. P. 545—*Legis.* 11-40-1, *dated Bangalore, the* 24*th July* 1940.

Ordered that the accompanying Act further to amend the Mysore City Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 15th day of July 1940, be published as Act No. XXVI of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XXVI OF 1940.

THE MYSORE CITY MUNICIPALITIES AMENDMENT ACT, 1940.

(*Received the assent of His Highness the Maharaja on the 15th day of July 1940.*)

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

(1) This Act may be called the Mysore City Municipalities (Amendment) Act, 1940.

(2) In Schedule II of the Mysore City Municipalities Act, 1933, for the figures and words, "0—0—1 per bundle of 100 leaves" occurring under the heading "Maximum rate" against the article "Betel-leaves," the figures and words, "0—0—2 per bundle of 100 leaves" shall be substituted.

MIRZA M. ISMAIL,
Dewan.

No. P. 550—*Legis.* 2-40-11, *dated Bangalore,* 24*th July* 1940.

The following Notifications of Government of India are hereby published for general information.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Department of Communications.

NOTIFICATION.

Dated Simla, the 9th July 1940.

No. W28 (3)/39.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Aircraft Rules, 1937, namely :—

I. After rule 7 of the said Rules, the following rule shall be inserted, namely :—

"*7A. Prohibition of carriage of persons without passports.*

(1) No person in charge of any aircraft shall allow such aircraft to enter British India from a place outside India unless all persons on board the aircraft are in possession of valid passports as required by rules for the time being in force made under the Indian Passport Act, 1920 (XXXIV of 1920).

(2) Where an aircraft is brought into British India in contravention of sub-rule (1), any authority empowered by the Central Government, generally or specially, in this behalf may direct the owner or the person in charge of the aircraft to take on board and remove from British India, or otherwise arrange for the immediate removal from British India of the person or persons without valid passports, and the owner or as the case may be, the person in charge of the aircraft shall comply with such directions."

II. In Schedule VI appended to the said Rules, for the entries in the first and second columns relating to "14. *Prohibited Carriage.*", the following entries shall be substituted, namely :—

"14. *Prohibited Carriage.*—

A. *Passengers.*

(1) Carriage into British India of persons without valid passports.	7 A (1)

(1) Failure to obey directions of empowered authority to transport out of British India persons who have been carried without valid passports.	7 A (2)

B. *Articles.*

Unauthorised carriage on aircraft of certain articles.	8 "

S. N. Roy,
Secretary to the Government
of India.

No. P. 619—*Legis.* 2-40-12, *dated Bangalore, the 27th July* 1940.

In exercise of the powers conferred by sub-rule (i) of Rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Enemy Property (Custody and Registration) Order, 1939, namely:—

In Paragraph 4 of the said Order—

I. In sub-paragraph (1), after the words "may take," the words, "or authorize the taking of," shall be inserted;

II. In sub-paragraph (2),—

(1) after the word "Custodian" the words, "or such person as may be specially authorised by him in this behalf," shall be inserted; and

(2) clauses (v) and (vi) shall be renumbered as clauses (vi) and (vii) respectively, and before clause (vi) as so renumbered, the following clause shall be inserted, namely:—"(v) raise on the security of the property such loans as may be necessary".

No. T. 391—*R. T.* 100-39-3, *dated Bangalore, the* 29*th July* 1940.

In exercise of the powers conferred upon them by Section 11 of the Mysore Motor Vehicles Act, XVI of 1928 as amended by Acts IV of 1931 and III of 1932, the Government of His Highness the Maharaja are pleased to introduce the following Form "B" in lieu of the existing form (on page 69 of the Motor Manual) for entry of particulars relating to registration and taxation of motor vehicles, the draft of which having been published with Notification No. T. 141—R. T. 100-39-2, dated 10th July 1940 at pages 241-42 in Part IV of the *Mysore Gazette*, dated the 11th July 1940.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Form "B."

REGISTER OF MOTOR VEHICLES REGISTERED TOGETHER WITH ENTRIES FOR CHECKING THE PAYMENT OF TAXES.

(1) Number assigned.
(2) Full name of owner.
(3) Postal address of usual residence of owner.
(4) Name of maker and date of manufacture.
(5) Number stamped on—
(i) Engine, (ii) Chassis.
(6) Type of motor vehicle.
(7) Type of body of vehicle—
(i) Seating capacity, (ii) Carrying capacity.
(8) Horse power.
(9) Number of cylinders.
(10) Unladen weight of vehicle in cwts.
(11) Whether intended for—
(i) Private use, (ii) Public service.
(12) If the vehicle is a heavy motor vehicle—Axle weight of each axle ; diameter of each wheel.

(13) Date of registration.

(14) Amount of fee paid; challan number and date and name of treasury.

		Tax payments with license number.					
		Year.	*1st Qr.*	*2nd Qr.*	*3rd Qr.*	*4th Qr.*	Remarks
1.	Transfer of Vehicle						
2.	Do						
3.	Do						
4.	Do						
5.	Do						
6.	Do						
1.	Change of address.						
2.	Do						

Inspector-General of Police.

No. P. 654—*Legis.* 2-40-13, *dated Bangalore, the* 29*th July* 1940.

In exercise of the powers conferred by sub-section (5) of Section 2 of the Defence of India Act, 1939, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the powers exercisable by them under Rule 56 of the Defence of India Rules, as applied to Mysore shall be exercised by the District Magistrate, Kolar District in the Bowringpet Taluk of the Kolar District.

No. Rl. 170—*L. C.* 19-39-7, *dated Bangalore, the* 30*th July* 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following amendments be made in Rule 35 of the Legislative Council rules, 1940, namely:—

Sub-clauses (ii) and (iii) of clauses (*a*) and (*b*) of Rule 35 shall be renumbered as sub-clauses (iii) and (iv),

respectively, and before sub-clause (iii) as so renumbered, the following sub-clause shall be added as sub-clause (ii)—

"(ii) is the superintendent or manager of any such estate owned by a person who is resident outside Mysore: or"

No. Rl. 180—*R. A.* 39-39-2, *dated Bangalore, the 30th July* 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following amendments be made in Rule 48 of the Representative Assembly rules, 1940, namely:—

Sub-clauses (ii) and (iii) of clauses (*a*) and (*b*) of Rule 48 shall be renumbered as sub-clauses (iii) and (iv), respectively, and before sub-clause (iii) as so renumbered, the following sub-clause shall be added as sub-clause (ii)—

"(ii) is the superintendent or manager of any such estate owned by a person who is resident outside Mysore; or"

By Order,

H. V. NARAYANA RAO,
Secretary to Government
Law Department.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 1018—*Pol.* 234-39-2, *dated Bangalore, 21st August* 1940.

In exercise of the powers conferred by Sections 12 and 22 of the Mysore Arms Act, VI of 1890, as amended from time to time, the Government of His Highness the Maharaja are pleased to direct that the following further amendments be made in the Mysore Arms Rules, 1926, namely :—

1. *Delete* the words "License for sport shall be granted under the Game Laws only" in sub-rule (1) of rule 13.

2. *Add* the following as rule 13-A of the Rules :—

"A license for the possession of arms and ammunition in reasonable quantities and for going armed for the purposes of sport may be granted in Form IX by the District Magistrate or by the District Forest Officer and if necessary in consultation with the District Magistrate."

3. In the description of the license in Form IX and in condition 3 attached to the said license insert the word "Sport" after the words "for the purposes of."

4. Insert the following as condition 9 attached to the license in Form IX :—

"Where the license is granted for the purposes of sport, the licensee or any retainer acting under

the license shall observe such close season as may be prescribed by the Government in respect of the game-birds and animals hereinafter set forth below."

5. *Add* the following as instruction 3 at the end of the form of Application, Schedule V of the Arms Rules :—

"Application for a license for going armed for the purposes of sport may be presented either to the District Magistrate or to the District Forest Officer."

By Order,

B. T. KESAVIENGAR,
Chief Secretary to Government.

No. Fl. 1037—*Ex.* 12-39-54, *dated Bangalore 21st August* 1940.

In exercise of the powers conferred by Section 17 of the Mysore Matches (Excise Duty) Act, 1934, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following amendments shall be made in the Matches (Excise Duty) Rules, 1934, namely :—

To Condition IV of Form C of the Forms appended to the said Rules, the following shall be added, namely :—

"and, in the case of Veneers Manufacture Account, also in grosses and dozens."

By Order,

C. E. NORONHA,
Secretary to Government,
Development Department.

No. P. 819—*Legis.* 2-40-14, *dated Bangalore 2nd August* 1940.

The following Act of the Indian Legislature is hereby republished for general information.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 10th April 1940, and is hereby promulgated for general information:—

ACT No. XIX OF 1940.

An Act to amend the Defence of India Act, 1939.

Whereas it is expedient to amend the Defence of India Act, 1939, for the purposes hereinafter appearing; XXXV of 1939

It is hereby enacted as follows:—

1. This Act may be called the Defence of India (Amendment) Act, 1940. Short title.

2. In section 2 of the Defence of India Act, 1939 (hereinafter referred to as the said Act) XXXV of 1939 Amendment of section 2, Act XXXV of 1939.

(*a*) in clause (v) of sub-section (2), after the words "with foreign powers," the words "or with States in India, or to prejudice the maintenance of peaceful conditions in the tribal areas," shall be inserted;

(*b*) in sub-section (5), after the words "not being" the brackets and words "(except in the case of a Chief Commissioner's Province)" shall be inserted.

3. In section 18 of the said Act, after the word "from", in both places where it occurs, the words "or in respect of" shall be inserted. Amendment of section 18, Act XXXV of 1939.

No. Rl. 203—*R. A.* 2-40-6, *dated Bangalore, 3rd August* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule be inserted as "Rule 72 A" of the Representative Assembly Rules, 1940:—

"Notwithstanding anything contained in sub-rule (2) of rule 72, any person whose name is not included in any electoral roll published on the 7th of June 1940 or the 14th of June 1940 or is entered in an incorrect place or manner or with incorrect particulars or any person whose name is entered in such roll and who objects to

the inclusion of his own name or the name of any other person in the roll may prefer a claim or objection in writing to the Registration Officer not later than 3 o'clock in the afternoon of the 1st October 1940, and any claim or objection received after that time shall not be entertained by the Registration Officer."

Explanation.—A person shall be qualified to be included in the electoral roll if he has acquired before the 1st of October 1940 the qualifications specified in these rules for such inclusion.

No. Rl. 204—*L. C.* 1-40-2, *dated Bangalore, 3rd August* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule be inserted as "Rule 52 A" of the Legislative Council Rules, 1940:—

"Notwithstanding anything contained in sub-rule (2) of rule 52, any person whose name is not included in any electoral roll published on the 7th of June 1940 or the 14th of June 1940 or is entered in an incorrect place or manner or with incorrect particulars or any person whose name is entered in such roll and who objects to the inclusion of his own name or the name of any other person in the roll may prefer a claim or objection in writing to the Registration Officer not later than 3 o'clock in the afternoon of the 1st October 1940, and any claim or objection received after that time shall not be entertained by the Registration Officer."

Explanation.—A person shall be qualified to be included in the electoral roll if he has acquired before the 1st October 1940 the qualifications specified in these rules for such inclusion.

No. L. 1278—*Ml.* 145-39-22, *dated Bangalore, the 6th August* 1940.

Under Section 228 of the Mysore City Municipalities Act, 1933, as amended from time to time and the rules framed thereunder, the following amendments to the revised rules regulating the supply of water in Bangalore City

issued with Notification No. L. 2153—Ml. 105-34-9, dated 26th August 1939, are sanctioned and published for the information of the public :—

I. Rule 51 will be modified as follows :—

"Any consumer who, during the period to which the meter reading relates, has used water in excess of the free allowance shall pay for such excess at the rate of rupee one per 1,000 gallons. Fractions of 1,000 gallons shall not be recorded on meter cards but will be carried forward for the next reading."

II. Rule 53 will be modified as hereunder :—

"The excess water charges, meter rent and other charges due under these rules shall be paid within fifteen days from the date of the bill at the office of the authorised officer, on bills which shall be sent to the party within five days from the date of meter reading."

"If bills are not received within five days from the date of reading, the party may obtain duplicate bills from the supply office to enable him to make payment within the due date.

"Non-receipt of bills shall not be accepted as an excuse for delay in payment. Payments should invariably be made in cash, money orders or postal orders, but cheques for amounts not less than rupee one drawn on local banks, such as the Imperial Bank of India, the Mysore Bank, Co-operative Banks and Societies shall be accepted in payment of the dues."

Disconnection and reconnection of service.

"On failure of payment, within the due date, the department reserves the right to cut off water supply to the premises and connection will be restored only on receipt of the amount along with a penalty of rupee one in such cases.

"This penalty will not be charged if disconnection is made at the request of the consumer, subject to the condition that all the dues up to the date of disconnection are paid up on or before the due date.

"Disconnection may not generally be made when the arrears due from any installation is less than rupee one, provided such arrears are paid up before the next quarterly bill is preferred.

"As mistakes are likely to occur in crediting the receipt to the proper ledger account and giving room for disconnection of service in such cases, notwithstanding

such payments being made by the concerned parties, the consumers are advised to produce receipts for payments, or alternatively, postal money order receipts or counter-foils of cheques when asked for by the officials of the department who have been directed to effect disconnection of service, in cases of default in payment.

"No disconnection shall be made without first asking for the voucher in support of the payments made."

III. The following will be inserted as Rule 63-A:—

"In cases where wastage of water is due to leaky pipes, the party may be charged at a concessional rate of eight annas per 1.000 gallons for such loss, the quantity being calculated as the difference between the actual consumption and the average consumption of the previous six months or the free allowance, the premises are entitled to, whichever is greater."

IV. The undermentioned clause will be added as clause (1) under Rule 64 :—

"In case the occupier of the premises does not give proper protection to meter readers from any injury being caused by animals such as dogs, etc."

No. T. 518—*R. T.* 3-39-33, *dated Bangalore, the 20th August* 1940.

The following draft amendment to Rule 12-C of the Mysore Motor Vehicles Rules, 1924, issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection in respect of the said draft received on or before 15th September 1940 will be considered by Government.

DRAFT AMENDMENT.

(1) *Add* the following as Rule 12-C (ii) (*c*) to the aforesaid rules :—

"The Application and Declaration relating to cancellation of registration of motor vehicles shall be in the Form AA annexed to these Rules."

(2) *Add* the following as Form AA after Form A annexed to the above rule at page 68 of the Mysore Motor Manual :—

"Form AA, Application for the cancellation of the registration of Motor Vehicle—

1. Name of registered owner.
2. Address.
3. Register No. of the vehicle whose registration is sought to be cancelled.
4. Type of body of vehicle.
5. Reasons put forward for cancellation of registration.
6. Is the registration certificate and current tax license, if any, taken out, surrendered; if not, the reasons therefor.

(The only reason acceptable is that the vehicle is permanently unusable and will not be used any longer. The declaration below has to be signed to that effect.)

DECLARATION.

I hereby declare that the vehicle has become permanently unusable and will not be used any longer.

Place .. ..

Date... ....

Signature of registered owner."

No. P. 998—*Legis.* 2-40-16, *dated Bangalore, the* 20*th August* 1940.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 25th July 1940.

No. 494-*OR*/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

To sub-rule (1) of rule 90 of the said Rules, the following words and figures shall be added, namely :—

"and includes Government of India one rupee notes issued under the Currency Ordinance, 1940."

A. de C. Williams,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 27th July 1940.

No. 498-*OR*/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

To clause (2) of rule 103 of the said Rules, the following proviso shall be added, namely :—

"Provided that in relation to subjects of a State which became, or becomes, a State at War with His Majesty later than the 3rd September 1939 in the above definition shall be read as referring to the date immediately preceding the date on which the said State became or becomes, a State at War with His Majesty."

A. de C. Williams,
Secretary to the Government of India.

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PART IV.

Legislative Measures and Rules thereunder.

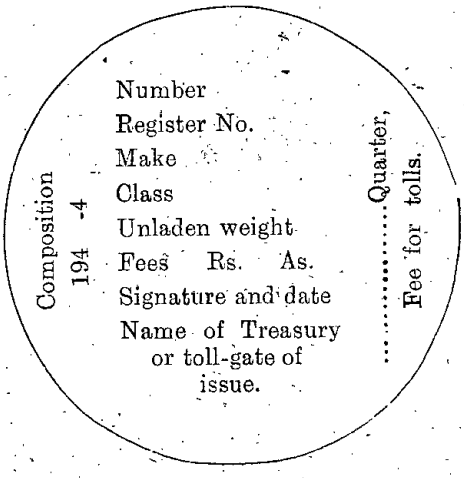
NOTIFICATIONS.

No. T. 589—*R. T.* 106-39-2, *dated Bangalore, the* 23*rd August* 1940.

In exercise of the powers conferred upon them by Section 33 of the Mysore Road Traffic and Taxes Act VI of 1935 as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to direct that the following forms of tokens be substituted for the existing forms of composition of tolls prescribed under Rule 8 of the Rules regarding levy of tolls issued with Notification No. P. 3443—Legis. 46-35, dated the 27th November 35, as amended from time to time.

These revised forms shall be adopted with effect from ly 1941.

Form of token for composition of tolls—



Form of token for composition of tolls at a single toll-gate—

Number of token
Register number
Description
Unladen weight
Name and address of owner
Fee paid
The period for which token is valid

Signature of { Deputy Commissioner, ...District. / Amildar, ...Taluk.

Seal.

By Order,
H. V. NARAYANA RAO,
Secretary to Governm
Law Depa

No. P. 1162—*Legis., dated Bangalore, the 26th August* 1940.

The following Notification of the Government of India, Department of Communications, is hereby republished for general information.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

DEPARTMENT OF COMMUNICATIONS.

Simla, the 30th July 1940.

No. W. 10 (11)/40.—Whereas the Central Government is of opinion that in the interest of public safety the issue of the following order is expedient:

Now therefore in exercise of the powers conferred by clause (a) of sub-section (1) of Section 6 of the Indian Air-Craft Act, 1934 (XXII of 1934), the Central Government is pleased to order as follows:—

The licence specified in the Schedule hereto annexed is hereby cancelled.

SCHEDULE OF LICENCE.

Name	Nature of Licence	No. of Licence	Period of Validity of Licence	
			From	To
H. Miroslav	Pilot's "A"	1049	12-10-39	8-8-40

S. N. Roy,
Secretary to the Government of India.

No. Rl. 277—*R. A.* 8-40-11, *dated Bangalore, the* 27*th August* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made in the Representative Assembly Rules, 1940, namely,—

(1) In Rule 19, after clause (*g*) the following clause shall be added as clause (*g-a*).—

" (*g-a*) has passed—

(i) the Kavya examination or Champu Nataka examination conducted by the Board of Sanskrit Studies in Mysore, or

(ii) the Upper Secondary examination or the V. T. C. examination, or

(iii) the Pravesha examination conducted by the Maharaja's Sanskrit College, Mysore,

and ordinarily resides in the constituency, or."

(2) The following shall be added in Rule 20 after the words, " the Lower Secondary examination " :—

" Kavya examination conducted by the Board of Sanskrit Studies in Mysore ".

(3) The following shall be added to sub-clause (i) of clause (*b*) of sub-rule (1) of Rule 23 after the words " Secondary School Leaving Certificate examination "—

"or the Upper Secondary or V. T. C. examinations, or the Champu Nataka examination conducted by the Board of Sanskrit Studies in Mysore".

(4) The following shall be substituted for sub-clause (ii) of clause (*b*) of sub-rule (1) of Rule 23 :—

" (ii) in all other cases—

(1) is a graduate, or

(2) has passed the Pandit final examination, or

(3) has passed the Vidwat Uttama examination conducted by the Board of Sanskrit Studies in Mysore, or

(4) has passed the Moulvi final examination, or